PACE UNIVERSITY

Workplace Accommodation Policy

Pace University is committed to diversity, inclusion, and supports the employment of qualified individuals with disabilities in its workforce. To support this commitment, the University uses an interactive process to assist individuals with requesting workplace accommodations.

It is the policy and practice of the University to comply with, the Americans with Disabilities Act, Title VII of the Civil Rights Act of 1964, Pregnant Workers Fairness Act, along with all other applicable federal, state, and local laws prohibiting discrimination in the workplace. Retaliation against an individual seeking accommodation for a medical condition, impairment and/or disability is strictly prohibited. Title I of the Americans with Disabilities Act of 1990 (the "ADA") requires an employer, in this case, Pace University to provide reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment, unless to do so would cause undue hardship. In general, an accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities.

Job applicants, employees, and independent contractors with a disability recognized by law are entitled to a reasonable accommodation if one is required to enable the person to apply for a job, perform the essential elements of a job, or to enjoy the benefits offered to others in a similar classification. In general, a disability is defined as a physical, mental, medical, or psychological impairment. This policy also covers workplace accommodations for pregnancy, childbirth, and associated medical conditions. A reasonable accommodation includes, but is not limited to, adjustments such as but not limited to providing an accessible workplace, acquiring, or modifying equipment, job restructuring, work schedule adjustments, altering training materials, reassignment to a vacant position, and/or providing qualified readers or interpreters for the vision and hearing impaired. Reasonable accommodations do not include lowering the performance standards of the position or providing personal use items such as a wheelchair, eyeglasses, hearing aids, or similar devices if they are also needed outside of the workplace. The University is obligated to provide “reasonable” accommodation, which may not be the one requested. The process of identifying and providing reasonable accommodation is an interactive one. The University is not obligated to provide accommodation if it would

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impose an undue hardship, or if the person requesting the accommodation poses a direct threat to the safety of self or to others. Please refer to the Definitions section.

What makes a workplace accommodation "reasonable?"

According to the Equal Employment Opportunity Commission (EEOC), a modification or adjustment is "reasonable" if it "seems reasonable on its face, i.e., ordinarily or in the run of cases;" this means it is "reasonable" if it appears to be "feasible" or "plausible." An accommodation also must be effective in meeting the needs of the individual. In the context of job performance, this means that a reasonable accommodation enables the individual to perform the essential functions of the position. Similarly, a reasonable accommodation enables an applicant with a disability to have an equal opportunity to participate in the application process and to be considered for a job. Finally, a reasonable accommodation allows an employee with a disability an equal opportunity to enjoy the benefits and privileges of employment that employees without disabilities enjoy (Excerpt from Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, EEOC).

Job Applicants

Hiring managers are not permitted to ask applicants whether they have a disability or other conditions/circumstances that may require an accommodation or ask any questions regarding the nature of a disability or other conditions/circumstances disclosed by the applicant. Hiring managers may ask applicants whether they are able to perform the essential functions of the job they applied for – with or without accommodation. If an applicant indicates that they can perform the essential functions of the position only with an accommodation, their contact information should be forwarded by the Hiring Manager to the Employee/Labor Relations and Engagement Department via email at employeerelations@pace.edu.

The job applicant should be informed by the Hiring Manager that a designated University representative will contact them directly to obtain more information about their accommodation needs.

Employees (Student, Staff, Faculty), Independent Contractors

Employees of the University and independent contractors may request a workplace accommodation for several reasons including but not limited to disability, a temporary medical condition, religious observances, or pregnancy/childbirth related needs. To complete the process, the employee must follow the steps outlined below.

Interactive Process and Cooperative Dialogue

The law requires that employers engage in an "interactive process" or a "cooperative dialogue" with an individual who requests a workplace accommodation. The process may be conducted in writing and/or verbally and will include the individual's accommodation needs; potential accommodations that may address such needs, alternatives to a requested accommodation; and other relevant factors when considering the implementation of a potential accommodation.

Pace University will engage in the "interactive process" or "cooperative dialogue" in good faith and within a reasonable period. Upon reaching a final determination, at the conclusion of the cooperative dialogue, a University representative will provide the individual requesting accommodation with a written final determination identifying if an accommodation has been granted or denied.

Pace University may deny a request for reasonable accommodation if it is concluded that such request would lower performance standards of the position or if it would impose an undue hardship to the University. See Definitions Section for Undue Hardship.

How to Request a Reasonable Accommodation

The following process steps apply to accommodation requests received on or after December 1, 2024.

Step 1 To request a reasonable accommodation, job applicants, employees, independent contractors, should contact the Employee/Labor Relations and Engagement Department at employeerelations@pace.edu with a

completed Workplace Accommodation Request Form (PDF).

Step 2 Once the Reasonable Workplace Accommodation Request Form is submitted, the designated campus Employee/Labor Relations and Engagement Representative will evaluate the information and submit an E-claim to the University's current plan administrator, Reliance Matrix. This step will be completed by an Employee/Labor Relations and Engagement Department representative within five (5) business days from the form's receipt.

Step 3 After the accommodation request is entered into the Reliance Matrix platform, the requestor will be contacted by a Reliance Matrix ADA Specialist to provide supporting information that confirms the requestor's accommodation eligibility. Requests involving a medical condition will require supporting information from an appropriate health care professional. If the information is incomplete or deemed insufficient to establish eligibility, the requestor will continue to interact with the Reliance Matrix ADA Specialist and the University to provide the necessary information through the interactive process. See Interactive Process and Cooperative Dialogue section.

Step 4 The Reliance Matrix ADA Specialist will evaluate the information provided by the requestor and/or their health care provider to establish eligibility for reasonable accommodation. During this process, the University and the Reliance Matrix ADA Specialist may, to the extent permitted by law, consult with the requestor's health care provider as well as the University's own medical professionals, and such other University personnel as may be necessary.

Step 5 Once Reliance Matrix makes a recommendation for the accommodation, the University will issue a final decision. If more than one alternative accommodation would be reasonable and effective, the requester's preference and the needs of the department will be taken into consideration in making the final decision. The University will issue a written determination identifying the accommodation(s) granted or denied to the requestor.

The need for reasonable accommodation may, and often does change. Therefore, the University reserves the right to annually request supporting documentation from employees, contractors/ freelancers, to establish their eligibility for accommodation, or more frequently as it deems appropriate.

If an approved accommodation is about to expire, it is the responsibility of the individual requestor to assess their needs and submit an updated Workplace Accommodation Request Form (PDF) to extend approval. This will

be processed as a new accommodation. Individuals are required to do so at least ten (10) business days prior to the expiration of their approved accommodation to ensure adequate time for the approval process.

Appeals

If an individual is not satisfied with the response to their submitted accommodation request, they can appeal the decision by writing to the Appeals Committee outside of the Division of Human Resources and Reliance Matrix at sasappeals@pace.edu. Appeals on a workplace accommodation determination must be filed within five (5) business days from its receipt.

Financial Responsibility for Reasonable Accommodation

The cost of the requested accommodation will be the fiscal responsibility of the Department in which the individual is working or will be hired to perform duties. If the Department does not have the financial resources available within its own budget, the hiring manager must submit the request to their respective Division/School/College Head and Budget Representatives.

Confidentiality

All documentation and information shared by individuals who are requesting a workplace accommodation will be maintained by the Employee/Labor Relations and Engagement Department, within the Human Resources Division, and will only be shared to the extent necessary to determine whether to approve and/or implement the accommodation.

All medical documentation will be kept separate from an employee's personnel file. Individuals who submit requests after December 1, 2024, will have their documentation housed in the Reliance Matrix platform and it will only be accessible to select Human Resources representatives and designated University partners such as the members of the Appeals Committee. In addition, if an individual has an approved accommodation, but needs a new accommodation that does not constitute a continuation of a previously approved one, the request will be managed through Reliance Matrix in accordance with the process steps listed above.

Complaint Procedure

Nothing in this policy should be construed to impede or prohibit the timely filing of a discrimination complaint with an external government agency. This policy and procedure also do not prohibit the timely filing of an internal discrimination complaint with the Office of Institutional Equity and Title IX Compliance.

An individual who believes they has been discriminated against on the basis of a disability, should consult the discrimination complaint/grievance procedures set forth on the Office of Institutional Equity and Title IX Compliance website and in the Pace University Employee Handbook. The discrimination procedures applicable to faculty are set forth in the current Pace University Faculty Handbook (PDF).

In addition, faculty and staff members who have questions or concerns about possible discrimination based on a disability or related condition may contact the University's Office of Institutional Equity and Title IX Compliance.

Definitions

Disability refers to a physical, medical, mental, or psychological impairment that substantially limits one or more of the major life activities of an individual. An individual who has such an impairment, has a record for such impairment, or is regarded as having such impairment will be deemed an "individual with a disability" under this policy, whether the disability is visible and apparent or not.

Essential Job Duties are the core function(s) of the position or the primary reason the position exists.

Reasonable Accommodation. A change or modification to the job application process or work environment that will enable a qualified individual to be considered for and/or perform the essential duties of the position unless doing so would create an undue hardship for the employer. Accommodation requests due to pregnancy, childbirth, and/or related medical conditions will be decided based on its ability to enable the requestor to continue working and/or return to work following childbirth.

In general, reasonable accommodation will not include lowering performance standards or providing items for personal use or convenience.

Undue hardship. According to the EEOC, an action requiring significant difficulty or expense when considering factors such as the employer's size, financial resources and cost of the accommodation, or whether the modification is substantial, disruptive, or would fundamentally alter the nature or operation of the University's business, or the essential functions of the employee's job.

Cross-Reference to Related Policies

- Discrimination, Non-Sex Based Harassment and Retaliation Policy and Procedure (PDF)
- Rights of Nursing Mothers
- Faculty Handbook (PDF)
- Employee Handbook

Exclusions and Special Situations

This policy applies to student employees including work-study and non-work study and graduate assistants. This policy does not apply to students who are not employed by the University. The Student Accessibility Services Unit is the area appointed by the University to provide accommodation and/or accessibility assistance to its students.

Key Contacts:

- Employee/Labor Relations and Engagement
- Student Accessibility Services
- Office of Institutional Equity and Title IX Compliance
- Reliance Matrix Workforce Accommodations Manager at (800) 866-2301 x71032

Division of Human Resources
Pace University, December 1, 2024

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