

WORKPLACE ACCOMMODATION POLICY FOR FACULTY

The Art Institute of Chicago, including both the School and the Museum, is committed to making reasonable accommodations to otherwise qualified employees and applicants with disabilities and pregnant employees, as defined by law. This policy is in accordance with the Americans with Disabilities Act (ADA), Illinois Pregnancy Accommodation Act and applicable federal and state laws. Failure to reasonably accommodate employees with disabilities and pregnant employees can be a violation of federal and/or state law as well as S/AIC policy.

Definitions

Disability: A physical or mental impairment that substantially limits one or more major life activities, or record of such an impairment, or being regarded as having such an impairment.

Major life activity: An activity that an average person can perform with little or no difficulty such as walking, breathing, seeing, hearing, speaking, learning, thinking and eating. Major life activities may also include the operation of a major bodily function, such as functions of the immune system, normal cell growth, brain, neurological, and endocrine functions.

Qualified individual with a disability: An applicant or employee with a disability who satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.

Essential job function: Fundamental job duties of the employment position the individual with a disability holds or desires. The term "essential functions" does not include the marginal functions of the position.

Reasonable accommodation: A reasonable modification or adjustment to a job, schedule, job application process, the work environment, or the way things usually are done that is necessary to and will enable a qualified individual with a disability or who is affected by pregnancy to perform the essential functions of his or her current or desired job or to participate in the job application process. In appropriate cases, reasonable accommodation may also include transfers to a vacant position or leave of absence. Whether a particular accommodation is reasonable is determined on a case by case basis in light of the employee's job duties and the nature of the limitations caused by the impairment.

Undue hardship: An action that requires "significant difficulty or expense" in relation to the size of the employer, the resources available, and the nature of the operation. The concept of undue hardship includes any action that is unduly costly, extensive, substantial, disruptive, or would otherwise place an undue burden on the Art Institute. Accordingly, whether a particular accommodation will impose an undue hardship must always be determined on a case-by- case basis. Accommodations that impose an undue hardship are not required under the law and generally will not be made available.

Pregnancy: Pregnancy for purposes of this policy includes the condition of being pregnant, childbirth and medical conditions that commonly co-occur with pregnancy and childbirth.

Procedures

Requesting an Accommodation

When an employee or applicant believes an accommodation to a disability or pregnancy is necessary, it is up to the employee or applicant to inform S/AIC of the need for accommodation.

Current Faculty

- Requests for accommodation should be directed initially to your Department Chair. The Department Chair will forward requests that cannot be managed internally within the Department to the Dean of Administration Planning and Budget (Dean AP/B). The Dean AP/B will ask the employee to complete an Accommodation Request Form and/or arrange for their medical provider to complete and return an Accommodation Medical Certification Form. Once the form is complete, the Dean AP/B will confer with Employee Relations before engaging in an accommodation discussion with the employee. These forms can be found at the following links: https://information.artic.edu/hr/accom_request.pdf and https://information.artic.edu/hr/accom_med_cert.pdf.

These forms should be returned to Employee Relations in Human Resources. (Please note that in the absence of the Dean AP/B, requests for accommodations from faculty will be managed by the Assistant Director of Faculty Services.)

Faculty Applicants

- An applicant may request that an accommodation be made available during the application process or upon hiring to the Assistant Director of Faculty Services. Please reference the procedure for Current Faculty.

Assessing Accommodation Requests and Pregnancy Related Accommodations

- Upon receipt of a request for an accommodation, Employee Relations will engage in an interactive process with the employee or applicant in an effort to identify a reasonable accommodation. The interactive process allows S/AIC and the employee and/or applicants to discuss options for accommodations in order to arrive at a reasonable accommodation.
- Employee Relations may consult with the Dean AP/B to discuss the requirements of an employee's job duties and how different possible accommodations might or might not be effective in the workplace setting. In assessing the accommodation, S/AIC will consider the available range of potential accommodations that are reasonable under the circumstances and do not present an undue hardship. If there are multiple possible reasonable accommodations available, the law permits the S/AIC to make a choice as to which will be implemented.

- Pregnancy related accommodations may include:

More frequent or longer bathroom breaks; breaks for increased water intake; breaks for periodic rests; private non-bathroom space for expressing breast milk and breastfeeding, seating; assistance with manual labor; light duty; temporary transfer to a less strenuous or hazardous position; provision of an accessible worksite; acquisition or modification of equipment; job restructuring; part-time or modified work schedule; appropriate adjustment or modifications of examinations, training materials, or policies; reassignment to a vacant position; time off to recover from pregnancy; leave necessitated by pregnancy.

These examples may or may not be reasonable or appropriate in every case. S/AIC will work with individuals to find accommodations that are reasonable, effective and appropriate to the individual's particular circumstance.

- S/AIC will determine what constitutes a reasonable accommodation on a case-by-case basis and reserves the right to request additional independent medical examinations, evaluations, or other appropriate information.

Approving or Denying Accommodation Requests

- Employee Relations will work with the Dean AP/B to implement any accommodation(s) granted. The accommodation that is granted may not be the one requested by the employee; however, it will be a reasonable accommodation designed to allow the employee to perform the essential functions of their position or an applicant to participate in the application process.
- Periodically, Employee Relations will follow up with the Dean AP/B and employee to assess the ongoing effectiveness of and need for the accommodation.
- When a request is not approved, Employee Relations will notify the employee that the request is denied and discuss with the employee alternatives that may be available. Depending on the circumstance, the available alternatives might include continuing employment without accommodation, further monitoring of the situation, an accommodation other than the one requested by the employee, leave of absence or other options.
- A pregnancy leave accommodation request must state that the employee intends to return to work and the anticipated return date. If the pregnancy leave is approved and extends beyond the time provided by S/AIC's Family/Medical/Life Event Leave policy, the employee's position will be held open unless it places an undue hardship on the department. If the position is filled the employee will be placed in an equivalent position with equivalent pay and benefits.

- o If continued work is precluded by the nature of the restrictions resulting from the employee's condition and no suitable accommodation can be found, then employees may take leave under S/AIC's Family/Medical/Life Event Leave policy. If this leave has been exhausted or is unavailable, a personal leave may be taken. During any personal leave period the employee's position may not be held open, and depending on the needs of the department may be filled. With respect to pregnancy related personal leaves, S/AIC will make every effort to hold open and return the employee to their position or equivalent position with equivalent pay, benefits and services credits unless doing so would pose an undue hardship for the operation.
- o Individuals who are on a personal leave will be allowed to apply as an internal candidate to positions for which he or she is qualified to perform, either with or without reasonable accommodation in the desired job. If an employee is not successfully transferred into another position by the end of the leave, the employee's employment will be terminated.
- o Information regarding S/AIC's Illinois Pregnancy Accommodation Act policy can be found at the following link: <https://information.artic.edu/eeguide/12-leave.shtml#12-6>
- o Information regarding S/AIC's general Family/Medical/Life Event Leave policy can be found at the following link: <https://information.artic.edu/eeguide/12-leave.shtml#12-4>

Questions related to workplace accommodations should be directed to the Director or Manager of Employee Relations at (312) 629-3380 or 629-3378 or Dean of Administration Planning and Budget at (312) 759-1693.