

**SAINT JOSEPH'S COLLEGE**  
**Policy Guidebook**

**Human Resources**

**Section Name:** The Work Environment

**Section Number:** 4.03

**Effective Date:** November 8, 2023

**SUBJECT: Accommodations**

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The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA) are federal laws that require employers with 15 or more employees to not discriminate against qualified applicants and employees with disabilities and, when requested, to provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

This Policy should be read and applied, when relevant, in conjunction with Policy 4.01 *Equal Employment Opportunity, Anti-Harassment and Non-Discrimination*. Saint Joseph's College does not discriminate against qualified individuals with disabilities in regards to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment. The College will conduct its affairs in compliance with the ADA, ADAAA, and the Maine Human Rights Act ("MHRA"). It is the policy of Saint Joseph's College to comply with all federal and state laws concerning the employment of individuals with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC) and applicable state guidance.

In accordance with applicable law and this Accommodations policy, the College will make reasonable accommodation(s) for: (a) qualified applicants and employees with disabilities; (b) employees' sincerely held religious beliefs; and (c) qualified applicants and employees who are pregnant or have a condition related to pregnancy. This policy details the procedures to be followed when requesting an accommodation. The College may deny a requested accommodation if the College determines in its sole discretion that such accommodation would result in undue hardship to the College.

Please contact Human Resources with any questions about this policy or for accommodation requests that are outside the scope of this policy.

Reasonable Accommodation for Qualified Individuals with Disabilities

The College will make reasonable accommodation(s) that are medically necessary for the known physical or mental impairments of an otherwise qualified applicant or employee with a disability, unless the College determines in its sole discretion that such accommodation(s) would result in undue hardship to the College.

If you seek an accommodation, you must comply with the following process:

- Notify your supervisor, manager, or Human Resources that you are requesting an accommodation to enable you to perform the essential functions of your position.
- In connection with such a request, you are required to provide Human Resources written documentation from a medical provider supporting your need for an accommodation. The written documentation must include the name of your medical provider, the anticipated duration of the need for an accommodation (e.g., for a specified number of months or permanently), the medical basis for the accommodation and the specific part of your job that you are not able to perform (i.e., the functional limitation caused by the disability). **The medical information required in this step of the process must be given to Human Resources and should not be given to your supervisor or manager.** All medical information provided to the College will be kept confidential in a separate file and will only be shared with other employees at the College on a need to know basis.
- All requests will be evaluated on an individual basis, through an interactive process. An interactive process means communications among the employee, supervisor, Human Resources and (when necessary) medical providers, either in person, via email, by video conference, or by telephone depending on the circumstances, to discuss the functional limitations caused by the disability and potential reasonable accommodations, if any, that are available and that would not impose an undue hardship on the College.
- The College will then determine whether to approve the requested accommodation, offer a reasonable alternative, or deny the requested accommodation.
- You will be notified in writing of the College's determination.

Do not assume that an accommodation has been granted until you receive written confirmation from the College.

All employees are required to comply with workplace safety standards. Employees who because of a disability pose a direct threat to their health or safety, or the health and safety of other individuals in the workplace, which cannot be eliminated by reasonable accommodation, will not be permitted to continue to work so long as the direct threat exists. The determination of whether a direct threat exists may involve a medical judgment, which may require the input of a qualified medical provider.

Human Resources is responsible for implementing this policy, including the resolution of reasonable accommodation, safety, and undue hardship issues.

The terms used in this policy are defined as follows:

- "Direct threat" means a significant risk to the health or safety of the employee or others that cannot be eliminated by reasonable accommodation.
- A "qualified individual" means an individual who meets the necessary skills, experience, education, and other job-related requirements of the position they hold or seek to hold, and can perform the essential functions of the position with or without a reasonable accommodation.

- An “individual with a disability” means an individual who has a physical or mental impairment that substantially limits a major life activity, an individual who has a record of such an impairment, or an individual who is regarded as having such an impairment.
- “Reasonable accommodation” is any action, assistance, modification, or adjustment to a work environment or job tasks that enables a qualified employee with a disability to substantially perform the essential functions of their position unless it would create undue hardship on the employer.
- “Undue hardship” means significant difficulty or expense by the College in connection with providing a specific accommodation. Undue hardship refers not only to financial difficulty, but to accommodations that are unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature or operation of the business. The factors to be considered in determining an undue hardship include:
  - the nature and cost of the accommodation;
  - the overall financial resources of the facility at which the accommodation is to be made;
  - the number of persons employed at that facility;
  - the effect on expenses and resources or other impact upon that facility;
  - the overall financial resources, size, and type and location of the College;
  - the overall number of employees and facilities;
  - the operations of the particular facility as well as the entire College; and
  - the relationship of the particular facility to the College.
- “Essential job functions” means the basic job duties that an employee must be able to perform, with or without reasonable accommodation.

### Religious Accommodation

When requested, the College will provide a reasonable accommodation for sincerely held religious beliefs, provided that doing so would not impose an undue hardship on the College.

To request unpaid time off for religious observance, please contact Human Resources at least 10 business days in advance. You may use paid time off to receive pay during religious leave in accordance with the College’s time-off policies.

If you need any other religious accommodation(s), such as breaks or exceptions to a College policy (e.g. dress and appearance policy), please contact Human Resources to request such accommodation(s). Human Resources will work with you to determine whether the College is able to approve the requested accommodation without imposing an undue hardship on the College.

### Reasonable Accommodation for Pregnancy or a Condition Related To Pregnancy

The Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP for Nursing Mothers Act or PUMP Act) and the Fair Labor Standards Act (FLSA) require employers to provide nursing employees reasonable break time each time such employee has need to pump at work.

The Pregnant Workers Fairness Act (PWFA) is a law that requires covered employers to provide “reasonable accommodations” to a worker’s known limitations related to pregnancy,

childbirth, or related medical conditions, unless the accommodation will cause the employer an “undue hardship.”

The College will make reasonable accommodation(s) for pregnancy or a condition related to pregnancy, including but not limited to lactation or the need to express breast milk for a nursing child (for up to three years following the birth of a child unless a longer period is required by applicable law) if an employee or prospective employee capable of performing the essential functions of the position requests such an accommodation, provided, however, that the College may deny such an accommodation if the accommodation would impose an undue hardship on the College.

To request an accommodation for your pregnancy or a condition related to your pregnancy, please contact Human Resources. When requesting an accommodation (or an extension of the accommodation), you are generally required to provide Human Resources written documentation from an appropriate health care or rehabilitation professional supporting the need for an accommodation. Please note that no such written documentation is required for the following accommodations: (a) more frequent restroom, food, or water breaks; (b) seating; (c) limits on lifting more than 20 pounds; (d) private non-bathroom space for expressing breast milk as well as reasonable unpaid breaks for the purpose of expressing breast milk; and (e) any other actions for which requirements of such written documentation is prohibited by applicable law. The College may require documentation from an appropriate health care or rehabilitation professional for an extension of an accommodation beyond the originally agreed to accommodation in accordance with applicable law.

Upon your request for an accommodation, you and the College will engage in a timely, good faith, and interactive process to determine an effective, reasonable accommodation to enable you to perform the essential functions of your job.

See also, [Handbooks and Policies Page](#)

- 4.01 Equal Employment Opportunity, Anti-Harassment and Non-Discrimination Policy