

ADA FREQUENTLY ASKED QUESTIONS

UT Southwestern has long been committed to carrying out the objectives of the Americans with Disabilities Act. This brochure has been developed as a guide to assist employees and managers with answers to common ADA-related questions. Any unique situation or question that cannot clearly be answered through this brochure should be directed to the Office of Institutional Equity & Access at 214.648.4343.

- **What is the Americans with Disabilities Act, or the ADA?**

- The Americans with Disabilities Act of 1990 (codified at 42 U.S.C. §12101), is a federal law which generally forbids disability-based discrimination in:
 - Employment (Title I)
 - Public Entities and Public Transportation (Title II)
 - Public Accommodations (Title III)
 - Telecommunications (Title IV)

At UT Southwestern, employee accommodations are provided through *ETH-152 Reasonable Accommodations for Qualified Applicants and Employees with Disabilities*. This policy provides UT Southwestern's commitment to providing equal employment opportunities to qualified individuals with disabilities.

- **What is the American with Disabilities Act, As Amended?**

- The ADA was amended in 2008 and is known as the [Americans with Disabilities Act Amendments Act \(ADAAA\)](#). The ADAAA did not change the actual definition of disability – the definition is exactly the same as it was. However, the Amendments to the ADA make it easier to prove you are a person with a disability because it states that mitigating measures other than “ordinary eyeglasses or contact lenses” shall not be considered in assessing whether an individual has a disability. For example, prior to the Amendments, if you were a person with epilepsy and you were taking anti-seizure medication (which mitigated or diminished your seizures), you were not considered a person with a disability. Another example is an individual who wears a hearing aid. Prior to the Amendments Act, the use of your hearing aid may have precluded you from protection under the ADA. Additionally, the Amendments to the ADA clarifies that an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

- **What is a disability?**

- Under the ETH-152, “**Disability**” or “**Disabled**” is defined as an individual who has a physical or mental impairment that substantially limits one or more **major life activities**, who has a record of such substantially limiting impairment, or who is regarded as having such substantially limiting impairment. (*Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working; and the operation of major bodily functions, such as digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.*)
- The University provides reasonable accommodations for an individual's disability, unless doing so would create “undue hardship” for the University. The University does not have to comply with every accommodation request. Requests are unreasonable if they cause the University an “undue hardship,” meaning that providing the accommodation (1) would be unduly costly, extensive, substantial, or disruptive, and/or (2) would fundamentally alter either the nature or operation of UT Southwestern's business or the essential functions of the position.

- **What is a Reasonable Accommodation?**

- A reasonable accommodation is any modification or adjustment to a job, an employment practice, or the work environment that enables a **qualified** individual with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by similarly situated individuals without disabilities.

- **Who is entitled to a Reasonable Accommodation?**

- An employee may request an accommodation by submitting a written request to the Division of Equal Opportunity indicating the nature of the disability and the specific accommodation requested. It is the responsibility of the requestor

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to provide sufficient documentation from a qualified health care professional in support of the request if required by the Division of Equal Opportunity.

- **What is a “major life activity” under the law?**
 - To be considered a person with a disability under the ADA, the impairment must substantially limit one or more major life activities. Examples of major life activities include walking, speaking, breathing, performing manual tasks, seeing, hearing, learning, caring for oneself and working.
- **What does “qualified” mean?**
 - To be protected by the ADA, a person must not only be an individual with a disability, but must be qualified. For University employees, a qualified individual with a disability is a person who satisfies the requisite skill, experience, education and other job-related requirements of the employment position and who, with or without a reasonable accommodation, can perform the essential functions of a position.
- **Can my request for an accommodation be denied?**
 - Yes. If you do not meet the Policy’s definition of a qualified individual with a disability, the request can be denied. The request can also be denied if it is not reasonable, or would cause undue hardship to the University.
- **If I request an accommodation, will my medical information remain confidential?**
 - Yes. Only persons on a need to know basis will be advised about your request for accommodation. Your medical information will remain confidential.
- **How do I request an accommodation?**
 - Under ETH-152, it is the responsibility of the employee or applicant to request an accommodation. To do so, please contact the Division of Equal Opportunity. You will be asked to complete a Request for Accommodation form and to provide medical documentation to support your request. Each request will be given careful consideration.

The Office of Institutional Equity & Access
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For Managers and Supervisors

Interviewing Applicants: Can you ask about disabilities?

Hiring Managers/Search Committee members cannot ask questions about a person’s disability during the interview process. This includes direct questions about impairments, medications they take, or questions about the person’s medical history or prior sick leave usage. You can, however, ask business-based questions such as whether the applicant has the right experience, training and skills; and whether the applicant can perform the essential functions of the job, with or without an accommodation.

Additional Resources:

Job Accommodation Network (JAN)

www.askjan.org

(800) 526-7234 (Voice), 877-781-9403 (TTY)