SECTION XVII. DISABLED WORKERS

A. REHABILITATION ACT OF 1973

In accordance with the Rehabilitation Act of 1973, as amended, the University of Georgia offers equal opportunity for qualified handicapped persons in its educational programs and activities.

1. Section 503 of the Act requires the University to take affirmative action to recruit, employ, advance in employment, and otherwise treat qualified handicapped people without discrimination in all employment practices. Goals and timetables are not specified.

2. Section 504 prohibits discrimination in programs and services on the basis of handicap. The Act required a self-study and a plan for making all programs accessible for handicapped students and employees. Through its self-evaluation, all policies and practices of the University were reviewed to determine their effect, or potential effect, on handicapped people. As required, policies and practices were modified to meet standards of nondiscrimination on the basis of handicap.

B. AMERICANS WITH DISABILITIES ACT OF 1990

The Americans With Disabilities Act of 1990 (ADA) expands the provisions of the Rehabilitation Act to cover other entities in addition to government contractors.

1. Title I of the Act prohibits discrimination in employment on the basis of disability.

2. Title II of the Act prohibits discrimination in programs, services, and activities provided by agencies of state government.

3. Title IV of the Act requires the availability of communications alternatives to accommodate the needs of persons having sight/hearing/speaking disabilities.

C. REVIEW OF PHYSICAL/MENTAL JOB QUALIFICATIONS

1. Within the effective dates of Title II of the Americans With Disabilities Act of 1990 job qualifications within the classification system were initially screened by the UGA Office of Human Resources for mental and physical qualifications which might be
used as a basis for exclusion of an otherwise qualified disabled individual. Any job qualifications so identified were modified at that time.

2. Essential functions of jobs at the University of Georgia will continue to form the basis for qualification with respect to employment and accommodation of the needs of persons with disabilities. All new jobs within the classification system will be subjected to qualifications review by Human Resources for identification and modification of any physical/mental qualifications which might be used as a basis for exclusion of otherwise qualified disabled persons prior to advertisement and recruitment to fill a new job.

3. Each position posting announcing the availability of a position for recruitment will be screened by the handling office (Equal Opportunity Office or Human Resources) for any job qualifications in addition to those in the generic job description which might exclude otherwise qualified disabled persons on the basis of non-essential job functions included as qualifications.

4. The job inventory will be re-screened by Human Resources upon addition of new titles to assure that all job qualifications within the personnel system are confined to essential job functions which do not exclude qualified disabled persons.

5. Any current employee who acquires a disability may self-identify and request review and accommodation in accordance with provisions below. Similarly, any applicant with a disability may self-identify and request review of job qualifications and accommodation.

D. SELF-IDENTIFICATION UNDER THE REHABILITATION ACT AND THE ADA

1. The University of Georgia invites applicants or employees who believe themselves to be covered by the above laws to identify themselves. Provision of such information is voluntary and is treated confidentially. No applicant for employment shall be required to self identify as to any disability in advance of an offer of employment.

2. Refusal to provide such information will not subject affected persons to any adverse treatment, nor will such information be used for any purpose inconsistent with the Act.

3. The requisite invitation to identity appears in the implementing policy statement for distribution, which appears at the end of this section.

E. ACCOMMODATION OF DISABILITIES

1. The University of Georgia will make reasonable accommodation in the workplace for persons identifying themselves as having a disability.
2. Realizing that what constitutes reasonable accommodation is an individual determination, each request for accommodation will be subjected to individual review and determination.

3. Self-identifying applicants who request accommodation will have their requests reviewed by the screening and hiring authority.
   a. No request for accommodation in the workplace will be denied until/unless final review by Human Resources (HR) and the Equal Opportunity Office (EOO) determines that the accommodation requested cannot be reasonably provided.
   b. No self-identifying disabled applicant will be excluded from further consideration for employment on the grounds of inability of the employing unit reasonably to provide accommodation unless/until a final determination is made by Human Resources (classified positions) or EOO (faculty/administrative positions).

4. Self-identifying disabled employees who request accommodation will have their requests reviewed by the employing unit.
   a. No request for accommodation in the employing unit will be denied unless/until final review by Human Resources and EOO determines that the employee's disability cannot be reasonably accommodated in the employing unit.
   b. If an employee cannot, with or without accommodation, perform one or more essential functions in the job in which he/she is employed, Human Resources or EOO, as appropriate, will conduct a review on request to determine whether another vacant position is available to which the employee may transfer laterally or lower and which the disabled employee is fully qualified to perform, with or without reasonable accommodation.
   c. No disabled employee's services will be terminated for inability to provide reasonable accommodation unless/until final review in a. and b. above determines that the employee's disability cannot be accommodated in the currently employing unit or by transfer.
   d. Nothing in this accommodation policy is to be construed as obligating UGA to create a position in order to accommodate a disability.
   e. Nothing in this accommodation policy is to be construed as precluding a disabled employee from applying for competitive consideration for a higher job which that employee can perform with or without accommodation.

5. UGA may seek assistance from an attending physician, Georgia Rehabilitation Services, Veterans Administration, rehabilitation contractors, and UGA Disability Services in determining what employee accommodation might be reasonably needed.
6. A person who is not a covered individual under the ADA is not eligible for accommodation under this section. Ineligible persons include, but are not limited to:

a. Applicants for employment who cannot perform one or more essential functions, with or without accommodation, of the job for which they are applying;

b. UGA employees who become disabled from performing with reasonable accommodation one or more essential functions of their current job and for whom there is no lateral or lower job vacancy for which they are otherwise fully qualified and to which they can transfer and perform all essential job functions with or without accommodation;

c. Persons who, by definition, cannot work (e.g., persons classified as temporarily or permanently totally disabled by the Workers Compensation Board); and,

d. Employees who, at expiration of paid leave and, subject to needs of the employing unit, discretionary grants of unpaid leave, cannot due to their disability, with or without reasonable accommodation, return to their current job or be transferred to a lateral or lower vacant job which they are otherwise fully qualified to perform with or without accommodation. Persons separated from employment at UGA for this reason have no re-employment rights. This is not to be construed as precluding such former employee's application and competitive consideration for job vacancies at such time as that former employee is able to return to work at a job for which he/she is otherwise fully qualified to perform with or without reasonable accommodation.

F. POSITIVE OUTREACH TO PERSONS WITH DISABILITIES

1. Recruiting materials will be made available, on request, to disabled persons in alternative formats as might be required reasonably to accommodate their needs as applicants for employment.

2. Faculty and Staff listings are available through the IPAWS system http://www.hr.uga.edu/

3. Any posters furnished by the Department of Labor concerning the employment of handicapped individuals, disabled veterans, and veterans of the Vietnam era will be distributed for display at official hiring locations.

4. The University of Georgia invites all persons who believe themselves to be covered, or entitled to benefits under this program to identify themselves. Neither, the provision of, nor the failure to provide such information will subject an applicant or employee to any adverse treatment. Such information is used only in accordance with the Act.
This affirmative action plan for handicapped/disabled individuals, disabled veterans, Vietnam era veterans, and other veterans is available for inspection during regular working hours to any employee or applicant for employment upon request.

G. COMPENSATION

In offering employment to persons with disabilities, the University of Georgia does not reduce the amount of compensation offered because of any disability income, pension, or other benefit the applicant or employee receives from another source.

H. INTERNAL POLICY DISSEMINATION

The UGA policy for hiring and advancing disabled persons shall continue to be addressed in like fashion to that set out in Section XVI.

I. HANDICAP SERVICES TASK FORCE

A task force on handicap services was appointed in May 1988 to review, inter alia, accessibility progress on the campus. A report submitted in December 1988 proposed specific physical modifications which have since been scheduled and completed or revised as needed. Representatives of Physical Plant, Student Affairs, and Campus Planning will be called upon periodically to serve as an ad hoc advisory committee to assure timely and efficient interface between need identification and service delivery systems established to accommodate the program, service, and employment needs of disabled persons.

J. REVIEW

The Equal Opportunity Office is responsible for review for compliance with this plan in accordance with direction from reviewing agencies. Any denial of disability accommodation must be based upon a determination at the EOO level that accommodation would impose an unreasonable hardship by way of business necessity or cost, or that, with or without accommodation, the affected disabled person will be unable to perform an essential job function.

K. INTERNAL REVIEW PROCEDURE OR COMPLAINTS OF DISCRIMINATION

Any employee or applicant for employment who is disabled under provisions of the ADA may file a complaint alleging discrimination with the work unit, or the Equal Opportunity Office, or the UGA Dispute Resolution Office. The complaint should be in writing, signed by the complainant, and contain the following information:
1. Name and address (including telephone number) of the complainant;

2. A description of the act or acts considered to be discriminatory; and

3. A concise statement describing any disability complainant has, as well as any job skills, training, or experience.

The UGA Equal Opportunity Office will, as required, forward such complaints in accordance with the UGA Dispute Resolution Procedures.

http://www.uga.edu/legal/pdfs/Dispute.pdf
SECTION XVIII. AIDS POLICY

http://askuga.uga.edu/default.asp?id=959&SID=&Lang=1

Third paragraph
SECTION XIX. DRUG POLICY

www.uga.edu/drugpol/