

Sam Houston State University
A Member of The Texas State University System

Finance & Operations Human Resources Policy ER-5
Employment of Disabled Workers and Veterans

SUBJECT: Employment of Disabled Workers and Veterans.

PURPOSE: To provide a working environment of non-discrimination for disabled workers and veterans at Sam Houston State University.

POLICY: Sam Houston State University will not discriminate against any employee or applicant for employment because of physical or mental disability in regard to any position for which the employee or applicant for employment is qualified. Sam Houston State University will employ, advance in employment, and otherwise treat qualified disabled and veteran individuals without discrimination based upon their physical or mental disability in all employment practices. Sam Houston State University will comply with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Rehabilitation Act of 1973 as amended and Americans with Disabilities Act Amendments Act of 2008 (ADAAA) effective January 1, 2009. All personnel actions are reviewed to ensure Equal Employment Opportunity (EEO) compliance.

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1. Responsibility for Implementation

The President of Sam Houston State University has delegated, to the AVP for Human Resources, the responsibility for implementing policies and programs designed to provide equal access to employment opportunities for disabled workers and veterans. They will be given top management support and staff to manage the implementation of this program, including the following activities:

- a. Develop policy statements, programs, and internal and external communication techniques.
- b. Identify problem areas in conjunction with line management and known disabled and veteran employees, in the implementation of programs and development of solutions.
- c. Design and implement audit and reporting systems.
- d. Serve as liaison between the University and enforcement agencies.
- e. Keep management informed of the latest developments designed to provide equal access.

2. Dissemination of Policy

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Sam Houston State University will take the following measures to disseminate its policy for employment and advancement of disabled individuals and veterans.

- a. Efforts in providing equal access policies and programs for disabled employees and veteran employees will be documented in the University's policy manuals.
- b. The President of Sam Houston State University will stress the importance of programs for disabled persons and veterans in faculty meetings.
- c. Promotion of programs for disabled persons and veterans will be done through various communication channels such as: meetings with executive, management and supervisory personnel, and school newsletters and bulletins.
- d. Written notification of Sam Houston State University's policy on disabled and veteran workers and a request for appropriate action on their part will be given to all sub-contractors, vendors and suppliers.

3. Development and Execution of Affirmative Action for Disabled Workers and Veterans

The following programs and practices are in operation, or are being developed, to meet the needs of Sam Houston State University.

- a. Employment Practices -- Sam Houston State University makes it a policy to practice equal access in all phases of the employment process. The following is a breakdown of measures that are being employed as a means of assuring that disabled workers and veterans are not being discriminated against in employment.
 - (1) Recruiting: The following measures are being taken to improve the applicant flow of qualified disabled workers and veterans:
 - (a) Contact with organizations which offer help in referring disabled persons and veterans.
 - (b) In help wanted advertising, include a statement that applications from disabled persons and veterans are welcomed.
 - (2) Selection: It is the practice of Sam Houston State University to select employees on the basis of their qualifications in relation to the requirements of the job. In no case is a qualified applicant rejected because of a physical or mental disability. To assure that the selection process is unbiased, the following actions are being taken:
 - (a) All personnel interviewers are carefully selected and trained to objectively evaluate each disabled and veteran applicant's qualifications in relation to their ability to perform the work with reasonable accommodations to physical and mental limitations.
 - (b) All tests used in selection of employees have been validated as work related.
 - (c) Selection techniques other than tests are continuously reviewed to assure that disabled persons and veterans are receiving proper consideration of their qualifications for job openings.

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- (d) Job requirements, job descriptions, and job specifications are reviewed to assure that disabled persons and veterans are not being eliminated from consideration because of inappropriate qualification requirements.

- b. Physical and Mental Qualifications -- Sam Houston State University maintains a regular program of auditing jobs as they come open to assure that all physical and mental job qualifications are job related and are consistent with business necessity and safe performance of the job. The physical and mental requirements determined in the job audit are used in the selection of applicants for employment or other change in employment status such as promotion, demotion or training.
- c. Qualified Individuals with Disabilities -- An individual with a disability is a person who has a physical or mental impairment that substantially limits one or more major life activities; a record of such an impairment; or, is regarded as having such an impairment. The Americans With Disabilities Act of 1990 (Public Law 101-336) Title I describes a "qualified individual" as a person with a disability who "satisfies the requisite skill, experience, education and other job related requirements of the employment position, and who with or without reasonable accommodation, can perform the essential functions of such position."

- d. Requesting Accommodation -- Persons with disabilities must make their need for accommodation known to their supervisor or to the AVP for Human Resources. Any supervisor notified of a disability and/or accommodation request shall immediately report it to the AVP for Human Resources or his/her designee. The request must be in writing including a medical certification that contains a diagnosis, prognosis, and major life function that is impaired and affects the person's ability to perform duties and must identify the specific accommodation the individual is requesting relative to the disability. The University will attempt to provide reasonable accommodation for all disabilities which meet the standards established by the Americans With Disabilities Act. The University maintains the right to review the requested accommodation and determine if the request can be facilitated; if the accommodation will enable the qualified individual to attain the same level of performance; or if the request would impose an undue hardship upon the University business operations, cost factors, or safety concerns for all employees.

Before making the decision regarding accommodation, the AVP for Human Resources or his/her designee may submit the employee's request for accommodation, accompanying documentation and medical records to an appropriate health care professional for evaluation. All personal health information will be kept confidential throughout the review process to the fullest extent permitted by law.

Reasonable workplace accommodations taken may include making existing facilities readily available; modifications or adjustments to the work environment or manner or circumstances under which the position's essential functions are customarily performed; modifications or adjustments that enable the individual with the disability to enjoy equal benefits and privileges as other similarly situated employees without disabilities; and other appropriate adjustment to the work environment of a qualified individual with a disability.

- e. Undue Hardship -- Defined as significant difficulty or expense. Undue hardship refers not only to financial difficulty, but also to accommodation requests that are unduly extensive or disruptive, or those that would fundamentally alter the nature of operation of the business.

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- f. Compensation -- Sam Houston State University will not reduce the amount of compensation offered because of any disability income, pension or other benefit the applicant or employee receives from another source.
- g. Employee Development -- Sam Houston State University has established an in-house training program as a means of up-grading staff personnel at all levels. While it is recognized that the training program is established to help all employees, it is also recognized that disabled individuals and veterans may be in need of greater assistance than others in achieving growth. It is realized therefore, that if the objectives of equal access for disabled persons are to be achieved, greater emphasis must be placed upon meeting their needs.
- h. Job Bidding -- All job openings are posted to give any employee who feels qualified the opportunity to be considered for a better job. Disabled workers and veterans are encouraged to use this as a method of career advancement.
- i. Grievances -- Sam Houston State University has established a grievance procedure whereby any employee who feels treated in a discriminatory manner may bring it to the attention of the President of the University.

Reviewed by: David M. Hammonds, Associate VP for Human Resources & Risk Management-03/29/2013
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