

# INDIVIDUALS WITH DISABILITIES

## An Overview of Workplace Laws, Rights, and Responsibilities

- **WHAT LAWS APPLY?**

Georgia State University employees are covered by federal legislation including Sec. 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA). These laws support the right of individuals to live independently, enjoy self-determination, contribute to society, and pursue meaningful careers.

The laws are designed to protect people with disabilities from being treated differently or less favorably, on account of their disability, than non-disabled persons.

Organizations may not discriminate against a qualified individual with a disability in job application, hiring, advancement, discharge, compensation, training, or other terms or conditions of employment, simply because of that disability.

- **DEFINITION OF DISABILITY**

An individual with a disability is any individual who –

- Has a physical or mental impairment that substantially limits one or more major life activities
- Has a record of such an impairment, or
- Is regarded as having such an impairment.

A “substantial limitation” depends on the nature, severity, and expected duration of the impairment. Determinations must be made on a case-by-case basis. The ADA does not cover individuals who have temporary or transitory injuries or illness.

- **WHO IS A “QUALIFIED INDIVIDUAL”?**

A qualified individual is an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the position that the individual holds or desires.

- **WHAT IS “REASONABLE”?**

- Requests for accommodation must be evaluated on a case-by-case basis.
- Many reasonable accommodations can be provided for nominal cost.
- What’s “reasonable” takes into consideration the organization’s resources.

- **WHAT IS AN “ESSENTIAL FUNCTION”?**

Whether a function is “essential” depends on such factors as:

- The amount of time the employee spends doing the function
- The effect on the business if the employee did not perform the function

Essential functions can be articulated in advance as part of a position description.

- **WHAT TO DO IF YOU ARE AN EMPLOYEE WITH A DISABILITY:**

Individuals with a disability have no obligation under the law to self-identify, but if you need an accommodation in order to perform the essential functions of your position, you must let your employer know.

- New employees have the opportunity to identify their need for accommodation during the hiring process, by completing the Personal Data Form (PDF).
- Current staff and faculty who wish to self-identify as an individual with a disability, and/or request accommodation, should also complete a Personal Data Form (PDF), available from the Office of Human Resources.
- Information is treated confidentially, and will be used only by authorized individuals with direct need to know the information.

- **WHAT TO DO IF YOU ARE A STUDENT WITH A DISABILITY:**

Contact Disability Services for assistance in determining the appropriate next steps.

- **PROVIDING ACCOMMODATIONS**

Employers should reasonably accommodate qualified individuals with disabilities, provided it does not unduly burden the employer.

Employers do not have to provide an accommodation unless an employee requests one.

- **WHAT TO DO IF YOU ARE A SUPERVISOR:**

If an employee requests an accommodation, the supervisor should consult with Human Resources for assistance in evaluating and considering accommodations. Not all accommodations must be provided as requested; other alternatives may also provide reasonable accommodation. In addition, not all medical conditions are determined to be disabilities requiring accommodation.

If you receive a request from a student to provide an accommodation of a disability or other medical condition, contact Disability Services for assistance in determining the appropriate next steps.

- **RESOURCES AVAILABLE**

- **FACULTY & STAFF**

- **Human Resources**

**404-651-3324**

Notify HR if you wish to self-identify or request an accommodation. HR can also consult with employees and supervisors about whether and how accommodations may need to be provided.

- **Faculty & Staff Assistance (FASA) 404-651-4741**  
FASA provides confidential personal counseling and referral services for employees.

- **STUDENTS**

- **Disability Services 404-463-9044 (voice)  
404-463-9048 (TDD)**  
Notify Disability Services if you wish to self-identify or request an accommodation, or if you are a faculty member with a student who has requested such an accommodation.

- **GENERAL RESOURCES**

- **Affirmative Action 404-651-2567**  
Individuals who believe they may have been discriminated against on the basis of a disability should consult with Affirmative Action.
- **University Ombudsperson 404-651-2220**  
The Ombuds office can provide informal facilitation and mediation services for employees with workplace concerns.

- **MESSAGE FROM THE PRESIDENT**

It is the policy of Georgia State University not to discriminate against any employee, student, or applicant for employment because he or she is an individual with a disability. This policy applies to all employment actions including, but not limited to, advertising, recruitment, hiring, compensation, retention, training, demotion, promotion, transfer, training, layoff, termination, or tenure.

Every member of the university community is expected to uphold this policy as a matter of mutual respect and fundamental fairness in human relations.

This policy has the unequivocal support of the Office of the President. All members of the staff, faculty, and student body are expected to ensure that nondiscriminatory practices are followed at Georgia State University.

Carl V. Patton  
President