**ADA Compliance in Higher Education: A Guide for Employers**

The Americans with Disabilities Act (ADA) is a federal law that prohibits discrimination against individuals with disabilities in all areas of public life, including higher education. Under the ADA, employers are required to provide reasonable accommodations to employees with disabilities, ensuring they can perform their job duties effectively.

**Key Instances to Remind an Employee About ADA Rights**

An employer should remind an employee about their **Americans with Disabilities Act (ADA)** rights in several specific situations. It’s important to ensure that employees are aware of their rights and can request accommodations when necessary. Here are the key instances when an employer should remind an employee about their ADA rights:

**1. When an Employee Discloses a Disability** - If an employee voluntarily discloses that they have a disability, the employer should provide information about their rights under the ADA, including the right to request reasonable accommodations. This could happen during a hiring process, during employment, or when the employee identifies the need for accommodation.

**2. When an Employee Requests an Accommodation** - If an employee requests an accommodation for a disability, the employer should remind them of their rights under the ADA and explain the process for requesting and receiving accommodations.

**3. When an Employee is Going on Leave or Returning to Work -** If an employee is going on medical leave due to a disability or is returning to work after being away due to a disability, the employer should remind them of their ADA rights, including the right to request accommodations.This is especially important if there’s a need for modified duties or adjustments after the employee returns to work. If the employer is unsure if the leave is disability related or not, it is perfectly appropriate to reiterate the employee’s right to explore a disability accommodation if they believe their unique situation may qualify.

**4. When Making Changes to the Workplace or Job Duties -** If an employer is making significant changes to the workplace or job duties, they should remind employees about their ADA rights in case these changes may affect employees with disabilities. This is particularly relevant during restructuring, new policies, or changes in job responsibilities, as the employee may need accommodations to perform in the new environment.

**MSU’s ADA Accommodation Process**

* **Accommodation Request Form** – Mississippi State’s process begins with the Accommodation Request Form, which is completed by the employee. This is where the employee would detail the specific areas of their job where an accommodation is needed and what accommodation they believe would be most helpful.
* **Medical Inquiry Form** – In addition to the Request Form, the employee must also subject the Medical Inquiry Form completed by their treating physician. The physician will detail what major life activities are impacted by the employee’s disabilities. They will also not specific limitations and how those limitations could impact job functions. There is also space for the treating physician to note any possible accommodations they would recommend.
* **JAN Network** – When an individual has a disability, but is not sure what accommodation might be helpful given their situation, HRM frequently recommends the Job Accommodation Network (JAN) available online at <https://askjan.org>. JAN is the leading source of free, expert, and confidential guidance on workplace accommodations. You can search by disability or specific symptom/limitation and see a list of possible accommodations.
* **Interactive Process** – Once HRM has both the Accommodation Request Form and the Medical Inquiry Form, HRM will schedule an interactive meeting with the employee and supervisor to discuss the request. The **interactive process** is a collaborative dialogue between an employer and an employee to determine reasonable accommodations for the employee's disability. This process is required when an employee requests an accommodation or when the employer knows or has reason to know that an employee has a disability and may need accommodations to perform the essential functions of their job. The goal of the interactive process is to find a solution that enables the employee with a disability to perform their job effectively while also considering the employer's business needs.
* **Reasonable Accommodations** – Through the interactive process, guided by HRM, the supervisor evaluates whether the requested accommodation is reasonable. This means it must be effective in enabling the employee to perform the essential job functions without causing undue hardship to the employer (e.g., excessive cost or significant disruption to the workplace). If a supervisor suspects there may be an undue hardship, HRM will consult with the University’s ADA Coordinator for additional guidance.
* **Documentation –** Once there is agreement on the accommodations that will be provided, the supervisor completes the second page of the Accommodation Request Form and all relevant parties sign. Fully executed forms are stored confidentially in HRM separate from general employee records.

**Key Takeaways:**

The goal is to ensure employees are informed about their ADA rights when they are in a situation where those rights may be relevant. This communication should always be respectful, non-intrusive, and in line with the employer's legal obligations under the ADA. It also ensures a proactive and supportive work environment where employees feel safe and empowered to request accommodations they may need to perform their jobs effectively. HRM is here to assist with accommodation requests as they arise.