

Vocational Rehabilitation Program

Definition of Key Terms

ADA/FEHA

- Americans with Disabilities Act (ADA) and the California Fair Employment & Housing Act (FEHA) are Federal and State laws that prohibit discrimination against employees or potential employees with disabilities in the terms and conditions of employment.

DISABILITY (UNDER FEHA):

A person is recognized as “disabled” if he/she:

- Has a physical or mental disability that limits (i.e., it makes the achievement of the major life activity difficult) one or more major life activities including work; or
- Has a history of such an impairment known to the employer; or
- Is *incorrectly regarded or treated* as having or having had such an impairment; or
- Is regarded or treated as having such an impairment that has no presently disabling effects but may become a qualifying event in the future.

MEDICAL RESTRICTIONS

- Medical information that identifies functional limitations and accommodation issues to be addressed related to employee's job.
- Medical restrictions are defined by a physician based on the essential functions of the job as provided by the employer.

FUNCTIONAL LIMITATIONS

- A functional limitation is the inability to perform an action or a set of actions, either physical or mental, because of a physical or emotional restriction.

ESSENTIAL FUNCTIONS OF A JOB

- Essential function means the fundamental job duties of the employment position.

Confirmation as to whether a function is essential can include:

- The position exists to perform the function.
- Function requires significant time to perform.
- Serious consequence of not performing this job function.
- Written job description.

NON ESSENTIAL FUNCTIONS/MARGINAL TASKS

- Any function of the job which does not meet the test of essential.

INTERACTIVE PROCESS

- A good faith communication process between the employer and employee to identify a reasonable accommodation that allows the employee to perform the job effectively.
- This is an ongoing obligation of the employer and should be documented in writing.

REASONABLE ACCOMMODATION

- Any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions.
- Reasonable accommodation also includes adjustments to assure that a qualified individual with a disability has rights and privileges in employment equal to those of employees without disabilities.

SPECIAL SELECTION

- A University process established to assist employees in remaining employed after becoming disabled.
- An employee who becomes disabled, and who meets various criteria, may be selected for a position which has not been publicized.

TRIAL EMPLOYMENT

- A University process established to assist both departments and potential employees to test appropriateness of a position.
- The purpose of trial employment is to determine if the employee is capable of performing the essential duties of the position, with or without accommodation.