

Disability Management System Web-Based Information Module

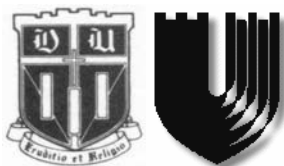
Topic: Position Vacancy

Learning Objectives: (Upon completion of this module, a supervisor will have):

- A questionnaire to complete which will assist in determining essential functions of the vacant position.
- Awareness of available resources to fulfill affirmative action obligations as they relate to persons with disabilities.
- Knowledge to pose legal interview questions that relate to the vacancy.
- Ability to prepare for and conduct an interview with a person who may have a disability.
- Tips for communicating with people who have known disabilities.

Module Layout:

- *How do I determine the essential functions of the position?*
- ❖ Use the job description and complete the Essential and Marginal Job Function Analysis Form.



Duke University/Health System

ESSENTIAL AND MARGINAL JOB FUNCTION ANALYSIS FORM

Under the guidelines of the American with Disabilities Act (ADA), departments are required to complete an *essential function*¹ analysis when a disability accommodation request is made. Departments are encouraged to complete the analysis prior to advertising vacant positions and use the information in the interviewing process. Additionally, departments are encouraged to use an essential and marginal job function analysis information to conduct staff training and performance evaluations.

This essential function analysis is an effective tool, which will ensure accurate identification of essential and marginal functions, time required, physical activities, physical and cognitive requirements, equipment used and environmental surroundings. This tool identifies who, what, why, how much, and when. As you review the items on the following pages, please assess and indicate whether each is “essential” (E), “marginal” (M), or “not applicable” (N/A)

If you have any questions or comments regarding this form please contact Barbara J. Briner, Coordinator, Employment and Public Reasonable Accommodations, Disability Management System, at (919) 684-8247 v/tty or barb.briner@duke.edu.

¹According to the Equal Opportunity Commission’s *Technical Assistance Manual on Employment Provisions (Title I) of the Americans with Disabilities Act*, a job function may be considered essential for any of several reasons, including, but not limited to, the following: (1) the reason the position exists is to perform that function, (2) there are a limited number of employees among whom performance of that function can be distributed, (3) the function is highly specialized and the incumbent was hired for expertise or ability to perform it. Evidence as to whether a function is essential includes, but is not limited to: (1) employer’s judgment, (2) written job description prepared prior to advertising or conducting interviews, (3) amount of time spent on the job performing that function, (4) consequences of not requiring incumbent to perform that function, (5) terms of a collective bargaining agreement, (6) work experience of prior incumbents, (7) current work experience of incumbents in similar jobs.

Job Title: _____

Cognitive Processes	E	M	N/A
1. Is the inspection of products, objects or materials necessary?			
2. Does the job require analyzing information or data?			
3. Does job require planning sequences of operation or actions?			
a.) Simple planning			
b.) Complex planning			
4. Does job require decision-making skills?			
a.) Simple decisions			
b.) Complex decisions			
5. Is logic required to define problems, collect information, establish facts, draw valid conclusions, interpret information, and/or deal with abstract variables?			
6. Are basic counting, addition and/or subtraction of numbers required?			
7. Is performing algebra, geometry, and statistics necessary?			
a.) Simple calculations			
b.) Complex calculations			
8. Is the ability to comprehend written language required?			
a.) Basic instructions, safety rules, office memoranda			
b.) Technical or professional materials, financial or legal reports			
9. Is the ability to write necessary?			
a.) Compose letters or memos			
b.) Compose and/or edit reports or technical professional material			
10. Is the ability to comprehend verbal language necessary?			
a.) Comprehend simple verbal sentences and instructions			
b.) Comprehend technical and complex information			
11. Is verbal communication necessary?			
a.) Is talking with complex, technical or professional English required?			
b.) Is conversing in standard English necessary?			
c.) Is knowing a foreign language required? (If Yes, specify below)			

Foreign language requirements: _____

Comments:

Job Title: _____

Position Context Variables	E	M	N/A
1. Work with frustrating situations: Job objectives are hindered by events beyond the employee's control.			
2. Job is a high demand position: Experience high stress situations.			
3. Advising required: Counsel, recommend, guide, or caution others based on legal, financial, scientific, technical or other professional area.			
4. Coordinate activities of others to achieve objectives, but without authority.			
5. Teaching others, formally or informally.			
6. Participation in group activities requiring interpersonal skills and cooperation.			
7. Working under time pressures: Rush or urgent deadlines.			
8. Working on irregular schedule: Unscheduled overtime, called into work, and unanticipated changes in workplace.			
9. Handling of multiple assignments, conflicting demands or priorities.			
10. Maintain attention to detail over extended period of time, continually aware of variations in changing situations.			
11. Traveling is required.			
12. Quick reaction or immediate response to emergencies.			
13. Research, fact finding, interpretation, and investigation required in preparing reports or evaluations.			
14. Responsible for money, equipment or personnel. Severe consequences to department, University, or co-workers if objectives not met.			
15. Work is performed independently or with minimal on-site supervision.			
16. Supervising required: Recruit, screen, hire, assign and/or review work, train, and/or evaluate other employees.			

Comments:

Job Title: _____

Physical Requirements		E	M	N/A
1.	Is talking necessary?			
2.	Is hearing necessary?			
3.	Is sight necessary (If No, Skip a.) – d.)			
	a.) Is the ability to distinguish between colors necessary?			
	b.) Is depth perception necessary?			
	c.) Is vision clarity of ≥ 20 ft. necessary?			
	d.) Is vision clarity of < 3 ft. necessary?			
	e.) Is entire field of vision/periphery required?			
4.	Is walking necessary? (If No, skip a.) and b.)			
	a.) Is walking on ramps necessary?			
	b.) Is walking long distances necessary (> 1 mile throughout the day)?			
5.	Is sitting a part of the job? (If No, skip a.) – c.)			
	a.) 0 – 2 hours per day			
	b.) 2 – 4 hours per day			
	c.) 4 – 8 hours per day			
6.	Is standing a part of the job? (If No, skip a.) – c.)			
	a.) 0 – 2 hours per day			
	b.) 2 – 4 hours per day			
	c.) 4 – 8 hours per day			
7.	Is a certain amount of dexterity required? (If No, skip a.) – c.)			
	a.) Is good balance required?			
	b.) Does it require the ability to seize, hold, and turn an object in one's hand?			
	c.) Does the job require pinch type activity of one's fingers?			
8.	Are climbing ladders and/or stairs necessary? (If No, skip; a.) and b.)			
	a.) Will climbing involve carrying a load > 10 lbs.?			
	b.) Will climbing frequency be > 25 times per day.			
9.	Does the job require the lifting of any loads? (If No, skip a.) and b.)			
	a.) Is lifting infrequent ² ?			
	b.) Is lifting frequent ² ?			
10.	Is pushing or pulling of any loads required (If No, skip a.) and b.)			
	a.) Is it infrequent ² ?			
	b.) Is it frequent ² ?			
11.	Does it require repetitive motion ¹ behavior?			
12.	Is crouching required (bending down in a squatting position)? (If No, skip a.) and b.)			
	a.) Maintain crouch for > 5 minutes at any one time?			
	b.) Repetition of crouching motion (> 2 times per minute)?			
13.	Does it require any kneeling (resting body on the knees)? (If No, skip a.) and b.)			
	a.) Kneeling > 5 minutes at any one time?			
	b.) Repetition of kneeling motion (> 2 times per minute)?			
14.	Does it require any bending (at the waist)? (If No, skip a.) and b.)			
	a.) Maintain bending for > 5 minutes at any one time?			
	b.) Repetition of bending motion (> 2 times per minute)?			
15.	Does it require any crawling (moving on one's hands and knees)?			

¹ Repetitive motion is present if same motion is performed ≥ 20 times per minute.

² Infrequent means ≤ 1 lift/push/pull every 30 minutes. Frequent means ≥ 1 lift/push/pull every 5 minutes.

Job Title: _____

Physical Surroundings and Hazards	E	M	N/A
1. Does job require worker to spend time outdoors? (If No, skip a.), b.), and c.)			
a.) 0-2 hours per day			
b.) 2-4 hours per day			
c.) 4-8 hours per day			
2. Does work require being in extreme temperatures for more than 1 hour? (If No, skip a.) and b.)			
a.) Temperatures < 32 degrees			
b.) Temperatures > 80 degrees			
3. Is noise sufficient to cause the worker to shout in order to be heard?			
4. Is there exposure to vibrating movements to the extremities or entire body?			
5. Risk of bodily harm due to proximity of moving parts, electric current, chemicals, etc.?			
6. Conditions that may affect the respiratory system, skin, or allergies (fumes, odors, air particles, etc.)?			

General Comments:

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Equipment, Tools, electronic and communication devices: List those the employee will use to perform job.		
1.	6.	11.
2.	7.	12.
3.	8.	13.
4.	9.	14.
5.	10.	15.

Location where work is performed:	
Day/Hour Schedule:	
Position reports to:	
Name of person completing form:	
Title of person completing form:	
Date:	

- ***What are some resources to assist me in fulfilling my affirmative action responsibilities as they relate to persons with disabilities?***
- ❖ Resources for Recruiting Persons with Disabilities
 - Duke University Recruitment Office 919-684-2015
 - Department of Veterans Affairs: 1-800-827-1000
 - Goodwill Industries Corporate Office: 919-941-9600
 - Durham County Government Equal Opportunity/Equity Assurance: 919-560-4180
 - Durham County Government Jobs Program: 919-560-8322
 - Governor’s Advocacy Council for Persons with Disabilities: 919-733-9250
 - NC Department of Labor Training Initiatives Division: 919-471-3208
 - NC Division of Services for the Blind Rehabilitation Services: 919-733-9700
 - Vocational Rehabilitation Center: 919-733-9700
 - *Careers and the Disabled*: www.eop.com; 1160 E. Jerico Turnpike; Suite 200, Huntington, NJ 11743; E-mail: Info@EOP.com
 - www.business-disability.com
- ❖ Insert link to Employment Checklist for Hiring Persons with Disabilities – Practical Suggestions <http://www.dol.gov/odep/pubs/ek96/chcklist.htm>
- ❖ Insert link to Affirmative Action and People with Disabilities <http://www.dol.gov/odep/pubs/ek98/affirmat.htm>
- ***How do I ensure that the interview questions I pose to an applicant with a disability are job-related and legal?***
- ❖ Pre-Offer
 - At the pre-offer stage, an employer cannot ask questions likely to elicit information about a disability. This includes asking whether an applicant has a particular disability. It also means that an employer cannot ask questions that are closely related to disability.
 - Among the things that can be asked:
 - Can you perform any or all job functions, including whether they can be performed “with or without reasonable accommodation.”
 - Describe how you would perform any or all job functions (including any needed reasonable accommodations). Only when the employer could reasonably believe that an applicant will not be able to perform a job function because of a known disability, i.e., an obvious disability or one that the applicant has disclosed, may an employer ask an applicant to discuss or demonstrate how s/he would perform the job. Otherwise, all applicants for the position must also be asked to do this.
 - After describing any attendance requirements, “Can you meet those attendance requirements?”

❖ Post Offer

- At the “post-offer” stage, an employer may ask about an individual’s workers’ compensation history, sick leave usage, illnesses/diseases/impairments, and general physical and mental health. Disability-related questions and medical examinations at the post-offer stage do not have to be related to the job.
- *Please note: If an employer asks post-offer disability-related questions, or requires post-offer medical examinations, it must make sure that it adheres to the following: all entering employees in the same job category must be subjected to the examination/inquiry, regardless of disability; and medical information obtained must be kept confidential.*

The above information is quoted from the U.S. Equal Employment Opportunity Commission. *Pre-Employment Disability-Related Questions and Medical Examinations Under the ADA*, October 10, 1995.

- ***How do I avoid inadvertently offending someone with a disability?***
 - ❖ Insert link to Preparing for and Conducting Effective Job Interview: Accommodating Persons with Disabilities (<http://www.dol.gov/odep/pubs/ek99/jobinter.htm>)
 - ❖ Insert link to Communicating With and About People with Disabilities (<http://www.dol.gov/odep/pubs/fact/commucate.htm>)