

3. Reasonable Accommodation Procedures

Personnel Action: Reasonable Accommodation **Personnel Action Code:** N/A

Policy Summary: The University provides reasonable accommodation to otherwise qualified employees who become disabled and need assistance to perform the essential functions of their positions.

Policy References:

PPSM	81
CX	24
SX	24
EX	24
K7	24
NX	NA
PA	(SPP 764 still in effect)
RX	(SPP 764 and A&PS 178 still in effect)
TX	(SPP 764 still in effect)

Authority: In circumstances where a recommended accommodation appears to the unit to be unreasonable, ineffective, or to constitute an undue hardship, the Staff Human Resources Director, in consultation with other appropriate offices, has responsibility for making the final determination. Employees with disabilities may consult the EEO/AA Office with questions or complaints about their rights to reasonable accommodation.

Criteria: Medical documentation must be provided by the employee to assist in understanding the nature of the employee's functional limitations. This documentation may be subject to confirmation by a University-appointed licensed health care provider. In order to be eligible for Special Selection services, the employee must be a qualified individual with a disability as defined by the Americans with Disabilities Act (ADA). The formal accommodation process is used when the unit is unable to accommodate an employee's disability on an informal basis, or requires assistance in determining if a requested accommodation is appropriate.

Process:

Responsibility

Action

FORMAL ACCOMMODATION PROCESS

Employee Presents to the supervisor notice of a limitation which requires accommodation. Notice to the supervisor may also be accomplished through the Worker's Compensation process for employees injured on the job.

Supervisor In consultation with the unit analyst, vocational rehabilitation counselor, and others, as appropriate, should review the essential functions and necessary skills and abilities of the position. If the supervisor believes that the disability precludes the employee from performing essential job functions, the supervisor contacts the vocational rehabilitation counselor.

Vocational Rehabilitation Counselor In consultation with other offices as appropriate, takes the following actions:

- determines whether the employee is a qualified individual with a disability as defined by the Americans with Disabilities Act (ADA);
- in consultation with the employee, evaluates the employee's functional abilities and limitations;

Responsibility

Action

Vocational Rehabilitation Counselor

- analyzes the job requirements;
- in consultation with the employee, explores options available for accommodation;
- determines the most effective accommodation for both the employee and the unit, taking into consideration the employee's preferences;
- evaluates whether the employee can perform the job without significant risk of substantial harm to the health or safety of the employee or others that cannot be eliminated or reduced by reasonable accommodation; and
- provides a written summary of findings and recommendations on accommodation to the supervisor, if appropriate.

Supervisor

Evaluates the effectiveness of each accommodation in enabling the employee with a disability to perform the essential functions of the job. The supervisor should review the following:

- safety issues of the accommodation;
- impact of the accommodation upon the workplace and co-workers; and
- effectiveness of the accommodation.

Units are only responsible for the first \$50 of any accommodation recommended by the vocational rehabilitation counselor. The balance of the expense of the accommodation will be funded centrally.

Discusses the possible accommodation with the vocational rehabilitation counselor and the employee.

If a recommended accommodation appears to the supervisor to be unreasonable, ineffective, or to constitute an undue hardship, s/he shall discuss the accommodation and any factors constituting undue hardship with the Staff Human Resources Director.

Staff Human Resources Director

In consultation with the supervisor, vocational rehabilitation counselor, and representatives of other campus units as appropriate, makes the final determination of whether a requested accommodation is reasonable or is an undue hardship.

If appropriate and reasonable, and accepted by the employee, the accommodation shall be implemented.

If the employee, supervisor, and vocational rehabilitation counselor reach a consensus decision that no accommodation is possible in the employee's current position, or if it is determined that the requested accommodation is not reasonable or appropriate, the campus will attempt to accommodate the employee in another position through Special Selection for a reasonable period of time.

SPECIAL SELECTION

Vocational Rehabilitation Counselor

Places employee on the Special Selection List for a period of 90 calendar days and notifies the employee and provides information regarding the Special Selection process. Notifies Staff Human Resources analysts of employee's eligibility for Special Selection and the employee's qualifications.

Staff Human Resources Analysts

Reviews Employee Requests as they are classified to determine if Special Selection candidates are eligible and qualified. In order to be considered, an employee's current salary range maximum must be equal to or greater than that of the available position.

Responsibility

Action

Staff Human Resources Analysts

Forwards a copy of the job description and the name of the employee to the vocational rehabilitation counselor when a Special Selection candidate has been identified as eligible and qualified for a position.

Vocational Rehabilitation Counselor

Contacts the employee and coordinates the employee's application for the position. Forwards the application to the hiring department contact listed on the Employee Request.

Employee

Completes an application for the position when notified by the Vocational Rehabilitation Coordinator.

Hiring Supervisor

Evaluates the qualifications of the employee.

If the hiring unit determines that the employee with a disability can perform the essential functions of the job, with or without reasonable accommodation, the employee shall be either reassigned, or, on the recommendation of the vocational rehabilitation counselor, offered trial employment without the necessity for recruitment. Trial employment consists of a casual appointment, normally of six months or less, but not to exceed one year.

If the hiring unit determines that the employee with a disability cannot perform the essential functions of the job, with or without reasonable accommodation, the hiring unit consults with the campus vocational rehabilitation counselor and documents in writing its reasons for concluding that the candidate is unable to perform the essential functions of the position with or without reasonable accommodation.

If the hiring unit determines that an otherwise qualified employee with a disability cannot be accommodated without undue hardship, the previously described process outlined for resolving undue hardship issues will be followed.

Vocational Rehabilitation Counselor

If efforts at reasonable accommodation, including special selection, are unsuccessful, or if employee declines a reasonable accommodation and as a consequence is unable to perform the essential functions of his/her position, notifies unit and employee and advises on the medical separation process.