

TITLE: REASONABLE ACCOMMODATION POLICY

PURPOSE: To provide guidelines and procedures for Harris Health System employees and job applicants who request an accommodation due to a qualifying disability as defined by the Americans with Disabilities Act of 1990, as amended in 2008.

POLICY STATEMENT:

Harris Health System (Harris Health) is committed to the fair and equal employment of Qualified Individuals with Disabilities. Harris Health will not discriminate against any individual on the basis of Disability during the job application process or during employment. In accordance with applicable law, Harris Health will provide Reasonable Accommodations to Qualified Individuals with Disabilities. This policy applies to all job applicants and employees.

POLICY ELABORATIONS:

I. DEFINITIONS:

- A. **DISABILITY:** A physical or mental impairment that substantially limits one (1) or more major life activities of a person, including major bodily functions; having a record of such impairment; or regarded as having such impairment.
- B. **ESSENTIAL FUNCTIONS OF THE JOB:** Fundamental job duties of the position the individual with a disability holds or desires.
- C. **JOB APPLICANT:** A person who seeks to fill a vacant position. This includes an employee seeking a transfer or promotion to another position.
- D. **MAJOR LIFE ACTIVITIES:** An activity of central importance to daily life, and may include, but is not limited to: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.
- E. **MAJOR BODILY FUNCTIONS:** For the purposes of this policy, major bodily functions include functions of the immune system, special sense organs and skin,

normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions.

- F. **QUALIFIED INDIVIDUAL WITH A DISABILITY:** An individual, who with or without a Reasonable Accommodation, can perform the Essential Functions of the Job of the position that the individual holds or desires.
- G. **REASONABLE ACCOMMODATION:** Any change in the work environment or in the way things are customarily done that enables an individual with a Disability to enjoy equal employment opportunities; to compete for a job, to perform the Essential Functions of a Job or to gain access to the workplace, and to enjoy equal access to benefits and privileges of employment (e.g. training programs).
- H. **THIRD-PARTY ADMINISTRATOR (TPA):** An insurance company or other vendor which administers disability programs for Harris Health or provides insurance coverage for those benefits.
- I. **UNDUE HARDSHIP:** An action requiring significant difficulty or expense. Undue hardship refers not only to financial difficulty, but also to requested accommodations that are unduly extensive, substantial, or disruptive; or those that would fundamentally alter the nature or operation of a Harris Health department, program, service, or activity.

II. PROCEDURE:

- A. Request for Accommodation by Job Applicant:

If a Job Applicant desires a Reasonable Accommodation, the Job Applicant may submit the request for accommodation to a Talent Acquisition representative in Harris Health's Human Resources Department and must identify the requested change to the application process or the Essential Function(s) of the Job. The Talent Acquisition representative shall forward the request to and work with the Leave and Disability Representative regarding the request for an accommodation.

- B. Current Employees:

1. Request for Accommodation:

- a. If an employee desires an accommodation, the employee may notify his/her immediate supervisor, the Leave and Disability Representative, or the TPA.
- b. If a request for accommodation is provided directly to the employee's Manager or Supervisor rather than the Leave and Disability Representative or TPA, the receiving supervisor or manager must promptly forward the accommodation request to the TPA.

C. The Interactive Process:

1. When a Job Applicant/employee seeks an accommodation, the immediate supervisor/manager must begin the Interactive Process which includes collaborative dialogue with the Job Applicant/employee and the Leave and Disability Representative or TPA to identify a Reasonable Accommodation that will allow the Job Applicant/employee to perform the Essential Functions of the Job or enjoy equal benefits and privileges of employment, as applicable.
2. Before denying or granting a request for an accommodation to a Job Applicant/employee, the interviewer/supervisor must contact the Leave and Disability representative.
3. The Leave and Disability Representative may request additional independent medical examinations, evaluations, or other appropriate information from the Job Applicant/employee.
4. The Job Applicant/employee shall cooperate with the Leave and Disability representative or TPA in timely submitting a Medical Certification Form and providing a release of medical information that permits the Leave and Disability representative or TPA to communicate with the applicant's or employee's healthcare provider(s) to request further clarification on the Medical Certification Form. Failure to timely return requested forms or provide responsive information may result in the delay or denial of a request for Reasonable Accommodation.
5. The Leave and Disability representative or TPA will coordinate with the Job Applicant/employee and the department supervisor or manager to identify and discuss potential Reasonable Accommodations that will

enable the employee to perform the essential functions of the job or enjoy equal benefits and privileges of employment, as applicable. While the employee's preference of a specific accommodation will be considered, Harris Health may offer one that is less expensive or easier to provide.

6. The Leave and Disability Representative will determine whether a requested accommodation is reasonable on a case-by-case basis.

D. Temporary Accommodation:

When appropriate, the Leave and Disability Representative may approve a temporary accommodation pending submission and review of medical information. Examples of temporary accommodation may include unpaid leave or approval of available Paid Time Off (PTO). Approval of a temporary accommodation does not indicate that Harris Health has made a final determination that the Job Applicant/employee is a Qualified Individual with a Disability under the ADA.

E. Final Determination of Reasonable Accommodation:

1. The Leave and Disability representative/TPA must promptly communicate to the requesting Job Applicant/employee and department supervisor or manager the suggested Reasonable Accommodation.
2. If a Reasonable Accommodation is not available for the Job Applicant/employee, the Leave and Disability representative/TPA must communicate this decision to the Job Applicant/employee.
3. A previous decision regarding an accommodation does not prevent the Job Applicant/employee from making another request at a later time, if circumstances change and the individual believes that an accommodation is necessary.

F. Appeal Process:

1. If the Leave and Disability Representative determines that a Reasonable Accommodation cannot be provided, the Job Applicant/employee may submit a written appeal within fifteen (15) days of the determination and must state the remedy or relief sought.

2. The Leave and Disability Representative will investigate and respond in writing within thirty (30) days of receipt of the appeal.
3. The Job Applicant/employee may appeal the decision of the Leave and Disability Representative by filing a written appeal with the Pavilion Administrator within fifteen (15) days of receiving the decision. The appeal will be heard by a Harris Health Administrator or Vice President who is not or would not be in the Job Applicant's or employee's direct chain of command. The Administrator or Vice President shall issue the final written decision in response to the appeal no later than thirty (30) days after the appeal is filed.

III. RESPONSIBILITIES:

A. Employee/Job Applicant:

1. A Job Applicant/employee who requests an accommodation must submit all required documentation on a timely basis and remain engaged in the Interactive Process with Harris Health until a determination is made.
2. It is the Job Applicant's/employee's responsibility to work with the Leave and Disability representative or TPA to review, complete and timely submit all forms and provide any additional information requested by the Leave and Disability representative or TPA.
3. Any failure by the Job Applicant/employee to supply all relevant and requested medical information or to otherwise meaningfully cooperate in the Interactive Process may result in Harris Health's delay or denial of the accommodation.

B. Supervisors and Managers:

When a Job Applicant/employee requests an accommodation, supervisors and managers must participate in the Interactive Process with the Leave and Disability representative or TPA. As part of the Interactive Process, the Job Applicant/employee, management, and the Leave and Disability Representative or TPA will discuss the requested accommodation(s) and possible options which will enable the person to perform the Essential Functions of the Job or enjoy the benefits and privileges of employment or employment opportunities.

HARRISHEALTH SYSTEM

POLICY AND REGULATIONS MANUAL

Policy No: 6.44
 Page Number: 6 of 6
 Effective Date: 05/14
 Board Motion No: 14.05-61

REFERENCES/BIBLIOGRAPHY:

Americans with Disability Act, as amended

Sections 503 & 504 of the Rehabilitation Act of 1973, as amended

OFFICE OF PRIMARY RESPONSIBILITY:

Harris Health System Senior Vice President of Human Resources

REVIEW/REVISION HISTORY:

Effective Date	Version# (If Applicable)	Review or Revision Date (Indicate Reviewed or Revised)	Reviewed or Approved by: (If Board of Managers Approved, include Board Motion#)
	1.0	Approved 4/1/2014	Operations Policy Committee
5/29/2014		Approved 05/29/2014	Board of Managers (Motion # 14.05-61)
		Revised/Approved 10/12/2017	Structure and Organizational Standards Committee

NOTE: Printed copies of this document are uncontrolled. In the case of a conflict between printed and electronic versions of this document, the controlled version published on the Harris Health System Document Control Center prevails.