

**HEALTH SCIENCE CENTER HANDBOOK OF OPERATING PROCEDURES**

Chapter 4	General Personnel Policies	Effective:	November 2000
Section 4.2	Employee Relations	Revised:	April 2010
<b>Policy 4.2.3</b>	<b>Request for Accommodations Under the ADA and the ADA Amendments Act of 2008 (ADAAA)</b>	Responsibility:	Executive Director, Faculty and Academic Equal Opportunity/Affirmative Action Office

## **REQUEST FOR ACCOMMODATIONS UNDER THE ADA AND THE ADA AMENDMENTS ACT OF 2008 (ADAAA)**

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### **Definitions**

**DISABILITY:** A mental or physical impairment that substantially limits at least one or more major life activities of an individual, a record of such an impairment, or being regarded as having such an impairment as described in the ADAAA listing of major life activities. The term does not include:

1. A current condition of addiction to the use of alcohol, a drug, an illegal substance, or a federally controlled substance; or
2. A currently communicable disease or infection as defined in Section 81.003, *Health and Safety Code*, or required to be reported under Section 81.041, *Health and Safety Code*, that constitutes a direct threat to the health or safety of other persons or that makes the affected unable to perform the duties of the person's employment.

**QUALIFIED INDIVIDUAL WITH A DISABILITY:** A person with a disability who satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.

**UNDUE HARDSHIP:** An action that is excessively costly, extensive, substantial, or disruptive or that would fundamentally alter the nature or operation of the business.

In determining undue hardship, factors to be considered include the nature and cost of the accommodation in relation to the size, the financial resources, the nature and structure of the employer's operation, as well as the impact of the accommodation on the specific facility providing the accommodation.

### **Processing Procedures**

1. The employee, student, fellow or resident requesting accommodation submits the appropriate request for accommodation under the *American with Disabilities Act (ADA)*.

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Employees submit [Employee Request for Accommodation Under the Americans with Disabilities Act \(ADA\)](#), form ADA-99, and students, fellows and residents submit [Student/Resident Request for Accommodation Under the Americans with Disabilities Act \(ADA\)](#), form ADA-100, with a copy of the current job description (if appropriate) to the Executive Director of the Faculty and Academic Equal Opportunity/Affirmative Action Office (EO/AA) and a copy to his/her immediate supervisor or if a student, fellow or resident the appropriate Associate Dean of their School and a copy to the ADA Coordinator.

2. The Executive Director of the Office of Faculty and Academic EO/AA will determine if additional medical information is needed and will furnish the individual with any forms/questionnaires necessary for the health care provider to complete.
3. The Executive Director of the Office of Faculty and Academic EO/AA will evaluate information to determine eligibility within the guidelines of the ADA and the ADAAA.
4. The Executive Director of the Office of Faculty and Academic EO/AA will then coordinate with the necessary institutional staff and the individual to identify the essential functions of the job or the program of study and determine whether there is an effective, reasonable accommodation that will enable the employee, student, fellow, post-doc or resident to perform those essential functions (interactive process).
5. The Executive Director of the Office of Faculty and Academic EO/AA will follow-up on the individual's status/progress on annual basis, or earlier as need arises.

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**Appeal Process**

Reasonable accommodations under the ADA and ADAAA is an ongoing process. At any point in time, the individual receiving the reasonable accommodation may request a reevaluation of their request from the Executive Director of the Office of Faculty and Academic EO/AA. At that point, the interactive process will be implemented in order to deal with any new requests and/or revisions to the initial requests.

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**Confidentiality**

All medical-related information shall be kept confidential and maintained separately from other personnel records. However, supervisors and managers may be advised of information necessary to make the determinations they are required to make in connection with a request for an accommodation. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment or if any specific procedures are needed in the case of fire or other evacuations. Government officials investigating compliance with the ADA and the ADAAA may also be provided relevant information as requested.

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**Retention**

Form ADA-99, ADA-100, and attached documentation submitted to the Executive Director of the Office of Faculty and Academic EO/AA will be maintained in a confidential manner in accordance with applicable federal and state mandated retention schedules.

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