

UT HEALTH SAN ANTONIO HANDBOOK OF OPERATING PROCEDURES

Chapter 4	General Personnel Policies	Effective:	November 2000
Section 4.2	Employee Relations	Revised:	March 2017
Policy 4.2.3	Request for Accommodations Under the ADA and the ADA Amendments Act of 2008 (ADAAA)	Responsibility:	Vice President for Human Resources, and the Vice President for Academic, Faculty and Student Affairs

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

Policy

It is the policy of UT Health San Antonio to comply with the provisions of the Americans with Disabilities Act (ADA) and the ADA Amendments Act of 2008 (ADAAA). The ADA prohibits discrimination against people with disabilities in employment, transportation, public accommodation, communications, educational environments, and governmental activities. Title I of the ADA requires an employer to provide reasonable accommodations to qualified individuals with disabilities who are employees or applicants for employment or applicants for admissions as students, residents to one of the UT Health San Antonio schools.

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 or educational program of study; such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.

REASONABLE ACCOMMODATION: Generally speaking, a change in the work environment or work procedure that enables an individual with

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a disability to enjoy equal employment opportunities. Examples of possible reasonable accommodations include making existing facilities accessible, job restructuring, modified schedules, and acquiring or modifying equipment.

STAFF: All exempt and non-exempt Classified and Administrative & Professional employees.

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.

Pregnancy and Religious Accommodations

Pregnancy itself is not considered a disability under the ADA. However, employees, students and residents who suffer from pregnancy related disabilities, such as preeclampsia or diabetes, are entitled to reasonable accommodations from the employer and/or school and/or program of study and educational environment.

Examples of pregnancy accommodations in the workplace include a reduced work schedule, restrictions on lifting, and providing ergonomic office furniture, time and place for lactation activities.

Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on religion. This includes refusing to accommodate an employee’s sincerely held religious beliefs or practices unless the accommodation would impose an undue hardship. A religious practice may be sincerely held even if newly adopted, not observed consistently, or different from common tenets of an individual’s religion.

Examples of religious accommodations in the workplace and/or educational environment include exceptions to the dress code, schedule changes, and additional breaks during the workday and/or school day.

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Process

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

- Staff submits [Request for Accommodation Under the Americans with Disabilities Act \(ADA\)](#), form ADA-99 to the Office of Human Resources with a copy of the current job description (if appropriate).
- Faculty submits [Request for Accommodation Under the Americans with Disabilities Act \(ADA\)](#), form ADA-100 to the Executive Director, Academic, Faculty and Student Ombudsperson and ADA Compliance Office with a copy of the current job description (if appropriate).
- Students, fellows and residents submits [Request for Accommodation Under the Americans with Disabilities Act \(ADA\)](#), form ADA-100, to the Executive Director, Academic, Faculty, Student Ombudsperson and ADA Compliance Office with a copy of the current job description (if appropriate).

Reasonable accommodations will be decided by the department in concurrence with the Office of Human Resources for staff requests and the Executive Director, Faculty, Student Ombudsperson and ADA Compliance Office for all other requests. It may be determined that additional medical information is needed. If so, the individual will be provided with necessary forms/questionnaires for the health care provider to complete.

Interactive Process

A reasonable accommodation 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 Office of Human Resources or the Executive Director, Academic, Faculty, Student Ombudsperson and ADA Compliance Office. 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 in the applicable office (Office of Human Resources or the Executive Director, Academic Faculty, Student Ombudsperson, and ADA Compliance Office) and will be maintained separately from other personnel or student, resident records. However, supervisors and managers and certain faculty in a school and/or program of study 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.

Retention

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