

THE UNIVERSITY OF TEXAS OF THE PERMIAN BASIN
OFFICE OF HUMAN RESOURCES
POLICY AND PROCEDURES MEMORANDUM
ACCOMODATING DISABILITIES IN THE WORKPLACE

DATE: February 1, 2006

1. PURPOSE

This policy sets forth the commitment of The University of Texas of the Permian Basin to nondiscrimination in the employment of persons with disabilities.

2. POLICY

It is the policy of The University of Texas of the Permian Basin to provide equal access and opportunity to applicants and employees having a known physical or mental impairment as defined under the Rehabilitation Act of 1973, Title I of the Americans with Disabilities Act (ADA) of 1990, or the Texas Commission on Human Rights Act. The University of Texas of the Permian Basin prohibits discrimination on the basis of disability in all aspects of the application process and the employment relationship.

The University of Texas of the Permian Basin will make reasonable workplace accommodation for any applicant or employee with a disability that does not constitute an undue hardship. Job postings will include a statement that a reasonable workplace accommodation may be requested by contacting the Office of Human Resources.

2.1 Accommodation

Reasonable accommodation will be made unless departmental management can demonstrate that doing so would cause an undue hardship for The University of Texas of the Permian Basin.

A department head who believes that a requested accommodation would constitute undue hardship must submit a written statement of explanation. Undue hardship shall conform to definitions provided by federal and state statutes. In determining whether an accommodation would impose an undue hardship, factors to be considered include but are not limited to the nature and cost of the accommodation, financial considerations, the impact the accommodation upon the nature and operation of the department, and how the request would affect the health and safety of other employees.

2.2 Confidentiality of Records

All offices and individuals responsible for reviewing and analyzing the request will maintain the confidentiality of all medical and disability-related information concerning applicants and employees. Medical and disability-related records will be maintained separately and will be accessible only to authorized personnel.

2.3 Periodic Review

If a reasonable workplace accommodation is implemented, the Office of Human Resources will periodically confer with the employee with the disability to determine the continuing need for the accommodation.

2.4 Complaints

An employee who believes that he or she has been denied a reasonable accommodation, discriminated against on the basis of disability, or retaliated against due to an accommodation request may submit a complaint to the Office of Human Resources, or may initiate a grievance in accordance with The University of Texas of the Permian Basin Policy and Procedures Memorandum, "Grievance Policies and Procedures".

3. PROCEDURES

- 3.1** An employee requesting an accommodation should notify his or her immediate supervisor as soon as practical and provide information on the nature of the disability.

A supervisor notified of an employee's disability and request for reasonable accommodation should immediately forward the request to the Office of Human Resources, with a copy to the department head.

- 3.2** The Office of Human Resources will contact the employee to discuss and obtain additional information regarding the requested accommodation. The employee will be asked to provide a written request for accommodation, including the name and title of the employee, the disability and the specific accommodation requested. The employee will also be asked to provide a medical statement to the Office of Human Resources within a reasonable time from the date of notification.

The medical statement must contain a diagnosis, prognosis, and a description of the specific impairment(s), the major life functions or activities affected by the impairment and the degree of limitation to those functions and activities caused by the impairment. The employee may be asked to submit additional medical information if the information provided is incomplete, unclear or inconsistent. The University of Texas of the Permian Basin will be unable to make a determination on a request for accommodation unless all the requested medical information is provided.

- 3.3** The Office of Human Resources will analyze the request and confer with the employee to ascertain the employee's requirements and input on the requested accommodation; and will provide a written recommendation concerning the request for reasonable accommodation no later than 15 workdays following the receipt of required medical documentation to the Director of Human Resources.
- 3.4** Based on the information and recommendation provided by the Office of Human Resources, the Director of Human Resources will determine what, if any, reasonable

accommodation will be made and convey a written response to the employee within 15 workdays.

DEFINITIONS

Disability: A mental or physical impairment that substantially limits at least one or more life activities of that individual; a record of such an impairment; or being regarded as having such an impairment.

Qualified Individual with a Disability: An individual who meets all the skills, experience, knowledge, educational, and other job requirements for the position and can perform the essential functions of the position with or without reasonable accommodation.

Reasonable accommodation: Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position he or she desires; modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or modifications or adjustments that enable The University of Texas of the Permian Basin employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by similarly situated employees without disabilities.

4. AUTHORITY

- Americans with Disabilities Act of 1990, Title I
- Rehabilitation Act of 1993
- Texas Commission on Human Rights Act, Chapter 21, *Texas Labor Code*

5. APPLICATION

This policy applies to The University of Texas of the Permian Basin.