

1. Title

Accommodating Disabilities in the Workplace

2. Policy

- Sec. 1 Policy Statement. The University of Texas System 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 Employee Services.
- Sec. 2 Purpose. This policy sets forth the commitment of the U. T. System Administration to nondiscrimination in the employment of persons with disabilities.
- Sec. 3 Equal Access and Opportunity. It is the policy of the U. T. System Administration 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 U. T. System prohibits discrimination on the basis of disability in all aspects of the application process and the employment relationship.
- Sec. 4 Accommodation.
- 4.1 Reasonable accommodation will be made unless departmental management can demonstrate that doing so would cause an undue hardship for the U. T. System Administration.
- 4.2 A department head who believes that a requested accommodation would constitute undue hardship must submit a written statement of explanation.
- Sec. 5 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.
- Sec. 6 Periodic Review. If a reasonable workplace accommodation is implemented, the Office of Employee Services will periodically confer with the employee with the disability to determine the continuing need for the accommodation.

Sec. 7 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 Employee Services or may initiate a grievance in accordance with INT123, *Grievance*.

Sec. 8 Procedures.

8.1 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 Employee Services, with a copy to the department head.

8.2 The Office of Employee Services 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 Employee Services 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 U. T. System Administration will be unable to make a determination on a request for accommodation unless all the requested medical information is provided.

8.3 The Office of Employee Services 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 applicable Executive Vice Chancellor or Vice Chancellor.

- 8.4 Based on the information and recommendation provided by the Office of Employee Services, the applicable Executive Vice Chancellor or Vice Chancellor will determine what, if any, reasonable accommodation will be made and convey a written response to the employee within 15 workdays, with a copy to the Office of Employee Services.

3. 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 an employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by similarly situated employees without disabilities.

Undue Hardship - 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 of the accommodation upon the nature and operation of the department, and how the request would affect the health and safety of other employees.

4. Relevant Federal and State Statutes

[Americans with Disabilities Act of 1990, Title I](#)

[Texas Commission on Human Rights Act, Chapter 21, Texas Labor Code](#)

[Rehabilitation Act of 1973](#)

5. Relevant System Policies, Procedures, and Forms

[INT123, Grievance](#)

6. Who Should Know

All employees of U. T. System Administration

7. System Administration Office(s) Responsible for Policy

Office of Employee Services

8. Dates Approved or Amended

February 1, 2006

Amended August 26, 2009

Amended July 21, 2011

9. Contact Information

Questions or comments about this policy should be directed to:

- bor@utsystem.edu