

Policy Name: Reasonable Accommodation	
Policy Owner: VP, Total Health and Total Rewards	Effective Date: 06/15/2021
Approved By: System Performance Committee	Last Reviewed Date: 06/15/2021
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1.0 Scope:

1.1 Applicable Entities:

This policy applies to:

- Texas Health Resources (Texas Health) and its member entities
- The Addiction Recovery Center by Texas Health
- Texas Health Behavioral Health Virtual Visit
- Excludes the Texas Health joint venture entities (except those listed in the Formulation and Adoption of System-Wide Policies and Procedures in Section 4.1.6 or in Section 4.1.7)

1.2 Applicable Departments:

This policy applies to all Texas Health departments.

2.0 Purpose:

2.1 At Texas Health, we value our Care Team and care about their entire well-being. With this in mind, and in compliance with the Americans with Disabilities Act (ADA) of 1990 and the Americans with Disabilities Act Amendment Act (ADAAA) of 2008, this policy is to express Texas Health's process for providing Reasonable Accommodations to qualified individuals with disabilities.

3.0 Policy Statement(s):

3.1 Texas Health is committed to fostering a culture of excellence by maintaining uncompromising levels of safety and equality in our work environment. In this spirit, and in accordance with ADA/ADAAA, and other local, state, and federal laws, it is the policy of Texas Health to provide Reasonable Accommodations in all aspects of employment to any qualified individual with a Disability, unless doing so would cause an Undue Hardship.

3.2 Nothing in this policy is designed to provide any contractual rights regarding accommodations, circumvent federal law or to limit any rights an individual may have under the Act. Further, this policy does not alter or modify in any way, the employment-at-will relationship of Texas Health employees.

This policy is based upon current interpretations of the ADA/ADAAA and is subject to change if the Act changes.

4.0 Policy Guidance:

4.1 Texas Health's Reasonable Accommodation process is one of the many ways we live Our Texas Health PromiseSM of Caring, by supporting individuals who may need a Reasonable Accommodation to interview for a job, begin, or continue employment.

4.1.1 Reasonable Accommodations are available to qualified applicants and employees with a Disability as defined under the ADA/ADAAA.

- a. Access to the Reasonable Accommodation assessment process may be provided even if the applicant or employee does not meet the definition of a Disability, and use of the policy and procedures does not indicate that the employee is qualified under the ADA/ADAAA.

4.2 Requesting an Accommodation:

4.2.1 An individual may request (either verbally or in writing) a Reasonable Accommodation at any time during the application process or during the period of employment, including upon return to work from a leave of absence by submitting a request to Employee Health Services (EHS).

4.3 Reviewing of Requests:

4.3.1 All Reasonable Accommodation requests will be reviewed on a case by case basis through the lens of care and compassion for the individual, job applicability, the criteria set out in this policy, and all applicable laws.

Upon notification of a Reasonable Accommodation request, the individual and EHS will engage in good faith in an interactive process to clarify the requestor's needs and determine an appropriate corresponding Reasonable Accommodation.

- a. Because the aim of the interactive process is intended to identify an appropriate Reasonable Accommodation, it is imperative that the individual requesting the accommodation actively participate in the interactive process. This includes providing appropriate medical information in a timely manner to substantiate the existence of a Disability and the need for accommodation except when:

- 1) the Disability and the need for a Reasonable Accommodation is obvious, or

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- 2) the individual has already provided sufficient information as determined by Texas Health.
 - b. In accordance with Texas Health's Fitness for Duty Policy, EHS will coordinate with the applicant's or the employees' health care provider or rehabilitation professional, when a more extensive evaluation is required.
 - c. Texas Health reserves the right to require an individual to be evaluated by an appropriate health care or rehabilitation professional selected by Texas Health, if the individual provides insufficient information from their health care provider or rehabilitation professional.
 - 4.3.2 EHS will notify Human Resources and the Leader of restrictions or limitations of the applicant's or employee's ability to safely perform the Essential Functions, non-essential functions, and physical demands of the job.
- 4.4 Review by Texas Health's Accommodation Review Committee (ARC):
 - 4.4.1 Human Resources and/or EHS may convene the Accommodation Review Committee (ARC) to further review a Reasonable Accommodation request.
 - 4.4.2 The ARC will discuss possible accommodation options based upon the documented limitations of the applicant or employee to safely perform the Essential Functions of the job as well as the physical demands of the role. Consideration will be given to suggestions provided by the applicant or employee, the feasibility of the accommodation(s), and whether an Undue Hardship is created. In addition, the ARC will consider the following:
 - a. Any accommodation that would allow the employee or applicant to safely perform the Essential Functions of their current job or position in which they have applied or are interested in applying.
 - b. When the restrictions are temporary, consideration of modified duty assignments are subject to availability, business needs, and Texas Health's Return to Work Policy requirements.
 - c. A job protected leave of absence may be considered if:
 - 1) the leave is for a reasonable duration

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- 2) the health care provider or rehabilitation professional foresees the employee may return to work at the end of the leave requested
 - 3) the leave is not an Undue Hardship
 - d. Transfer to a new position: If none of the above accommodations are available or feasible and a qualified employee with a Disability desires and is in need of a job transfer, the employee will be immediately placed on an unpaid administrative leave of absence. In support of our employees, individualized assistance will be provided by Human Resources and the Talent Acquisition Team to help the employee identify and apply for a vacant position in which the employee can safely perform the Essential Functions of the job, with or without a Reasonable Accommodation. If Texas Health determines the position is vacant, the position does not constitute a promotion, or an increase in pay from the employee's prior position, and the employee is currently qualified for the position with or without a Reasonable Accommodation, the employee will be offered the vacant position unless doing so would constitute an Undue Hardship. The qualified disabled employee seeking transfer will not be required to compete with similarly qualified non-disabled employees for the transfer position. If the employee declines a position offered, or an appropriate vacant position is not available, the employee will be voluntarily separated from employment.
- 4.5 Upon Conclusion of the Reasonable Accommodation Review Process, Human Resources and the Leader Will:
 - 4.5.1 Meet with the employee;
 - 4.5.2 Discuss the granted Reasonable Accommodation or
 - 4.5.3 Denial of accommodation.
 - a. If no accommodation is available, the employee will be voluntarily separated from employment.
- 4.6 Discrimination, retaliation, or any conduct that is incompatible with Texas Health's policies, Mission, Vision, Values, and Our Texas Health Promise^s against an individual participating in the Reasonable Accommodation process, is prohibited and will be subject to corrective action, up to and including separation of employment.

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4.7 Exceptions:

4.7.1 Exceptions outside these guidelines must be approved in advance by the Chief People Officer or designee(s).

5.0 Definitions:

5.1 Accommodation Review Committee (ARC) - A multidisciplinary team which may include representatives from Human Resources, Integrated Disability Management (IDM), Employee Health Services, the department Director/Manager, Legal Services, and any other appropriate representative determined by Human Resources to convene and evaluate potential accommodation options for an employee with a Disability.

5.2 Americans with Disabilities Act (ADA) - Federal law enacted that prohibits discrimination against individuals with disabilities in employment, housing education, and access to public services.

5.3 Care Team - All Texas Health employees, physicians, Graduate Medical Education residents and fellows, (referred to as Trainees), volunteers and individuals who have a common goal of serving and taking care of our patients and consumers.

5.4 Disability - A physical or mental impairment that substantially limits one or more major life activities, such as eating, walking, seeing, hearing, speaking, breathing or working, but also include the operation of a major bodily function, such as functions of the immune system, digestive, bowel, bladder, neurological and other functions; has a record of such an impairment, or is regarded as having such an impairment that is not transitory and/or minor.

5.5 Essential Functions - Essential Functions are the basic job duties that an employee must be able to perform, with or without Reasonable Accommodation.

5.6 Reasonable Accommodation - Any adjustment within the work environment or work procedures which result in equal employment opportunity for a qualified individual with a Disability, as defined in the ADA.

5.7 Undue Hardship - Significant difficulty or expense to Texas Health when considered in light of the following factors:

5.7.1 Financial Burden

5.7.2 Availability and cost of temporary replacement minus any savings from the employee being out

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5.7.3 Disruption to the Workplace

5.7.4 Impact on Operations

5.7.5 Impact on other Employees

5.7.6 Length of time the job was allowed to remain vacant

6.0 Responsible Parties:

6.1 Employees & Leaders

6.1.1 It is the responsibility of all employees and Leaders to comply with this policy.

6.2 Entity Human Resources Officer

6.2.1 Implementation and oversight of the policy is the responsibility of the Entity Human Resources Officer.

7.0 External References:

7.1 The Americans with Disabilities Act of 1990 and the ADA Amendment Act of 2008.

8.0 Related Documentation and/or Attachments:

8.1 ADA Reassignment to Vacant Position Process

8.2 [Fitness for Duty - THR System Policy](#)

8.3 [Leave of Absence \(LOA\) - THR System Policy](#)

8.4 [Return to Work - THR System Policy](#)

9.0 Required Statements:

Not Applicable