

WORKPLACE ACCOMMODATION POLICY

A. Purpose

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

B. Policy Statement

UTPB will make reasonable workplace accommodations for any qualified applicant or employee with a disability that does not constitute an undue hardship. UTPB also may make workplace accommodations for an applicant's or employee's sincerely held religious beliefs. Job postings will include a statement that a reasonable workplace accommodation may be requested by contacting the Office of Human Resources (Human Resources).

C. Definitions

Disability:

The ADA defines disability as a physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment.

Qualified Individual with a Disability:

Under the ADA, a qualified individual with a disability is 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:

Under the ADA, reasonable accommodations are any modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the desired position; any 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 any 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, 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.

Interactive Process:

The interactive process is the process through which UTPB and an applicant or employee work together to assess whether the individual's accommodation request can be reasonably accommodated. This process allows UTPB and the applicant or employee to determine the best approach to incorporate the request and better understand individual circumstances, including the limitations created by a disability and how best to respond to the individual's needs. Human Resources will contact the applicant or employee to engage in this process upon notification or becoming aware of an applicant's or employee's need for accommodation.

Religious Accommodation:

A reasonable change in the work or academic environment that enables a student or employee to practice or otherwise observe a sincerely held religious practice or belief without undue hardship on the University. A religious accommodation may include, but is not limited to: time for prayer during a work day; the ability to attend religious events or observe a religious holiday; or any necessary modification to University policy, procedure, or other requirements for a student's or employee's (or prospective employee's) religious beliefs, observance or practice; provided such accommodation is reasonable and does not cause undue hardship.

D. Equal Access and Opportunity

It is the policy of UTPB to provide equal access and opportunity to applicants and employees regarding providing workplace accommodations and equal access and opportunity to qualified applicants and employees, including under the Americans with Disabilities Act (ADA), as amended, Title VII of the Civil Rights Act of 1964, as amended, and Chapter 21 of the Texas Labor Code. UTPB prohibits discrimination on the basis of disability in all aspects of the application process and the employment relationship.

F. 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.

G. Periodic Review

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

H. Complaints

An employee who believes that he or she has been denied a reasonable accommodation, discriminated against on the basis of disability or religion, or retaliated against due to an accommodation request may submit a complaint to Human Resources or may initiate a grievance.

I. Procedures for Requesting Disability Accommodations

1. UTPB will grant reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee unless undue hardship and/or a direct threat to the health and/or safety of the individual or others would result.
2. An employee requesting accommodation should notify his or her immediate supervisor or Human Resources as soon as practical and provide information on the nature of the disability. An employee requesting an accommodation can do so at any time, either orally or in writing.

A supervisor notified by an employee of a physical or mental impairment that affects the employee's ability to perform their job and a related request for a modification or adjustment to the work environment or conditions that would allow them to perform their job should immediately forward the request to the Office of Human Resources. The employee is not required to use the term "accommodation" or "reasonable accommodation" for the request to be considered

a reasonable accommodation request. A supervisor who is uncertain whether an accommodation has been requested or may be necessary should contact Human Resources.

3. Human Resources will contact the employee to initiate the interactive process and discuss and obtain additional information regarding the requested accommodation. When the disability and/or the need for accommodation is not obvious, the employee may be asked to provide a written request for accommodation, including the name and title of the employee, the medical condition, and the specific accommodation requested. The employee may also be asked to provide a healthcare provider certification to Human Resources within a reasonable time from the date of notification.
4. Human Resources will evaluate the information obtained from the employee, and, if applicable, the employee's healthcare provider or another appropriate healthcare provider, regarding any reported or apparent barriers or limitations, and will then work with the employee to identify possible accommodations, if any, that will help to eliminate or otherwise address the barrier(s) or limitation(s). If an identified accommodation is reasonable and will not impose an undue hardship on the UTPB and/or a direct threat to the health and/or safety of the individual or others, UTPB will generally make the accommodation, or it may propose another reasonable accommodation which may also be effective.
5. Generally, the employee's supervisor will be involved in the reasonable accommodation process and included in the written response to the employee. Although employees may initially consult with Human Resources without first informing their supervisor, supervisors are an important part of the process and will be brought into the discussion about the specific impact of the medical condition on job performance and recommended accommodations. A department head who believes that a requested accommodation would constitute undue hardship must submit a written statement of explanation.
6. Employees are required to cooperate with this process by providing all necessary documentation supporting the need for accommodation and being willing to consider alternative accommodations when applicable.

J. Procedures for Requesting Religious Accommodations

1. UTPB is committed to a culture of nondiscrimination and inclusivity for all employees with sincerely held religious beliefs.
2. Employees should contact Human Resources or their immediate supervisor to request or discuss options available to accommodate their sincerely held religious belief, practice, or observance that conflicts with a work requirement. UTPB is not required to grant an accommodation that would create an undue hardship.
3. If UTPB reasonably needs more information to evaluate an accommodation request, it and the applicant or employee should discuss the request. The applicant or employee may need to explain the religious nature of the belief, observance, or practice at issue, and cannot assume that UTPB will already know or understand it.