



## **Reasonable Workplace Accommodations**

### **Purpose**

The purpose of this policy is prescribing the process for an employee to request a reasonable accommodation under applicable law.

### **Persons Affected**

Any employee having a known physical or mental impairment as defined under the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 and the ADA Amendments Act of 2008, or state regulations is affected by this policy.

Employees with sincerely held religious beliefs in accordance with the Texas Labor Code, and/or employees who qualify under the Pregnancy Discrimination Act of 1978 and Section 7(r) of the Fair Labor Standards Act are affected by this policy.

### **Definitions**

**Disability:** A physical or mental impairment that substantially limits one or more major life activities; a record (or past history) of such an impairment; or being regarded as having such impairment.

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

**Reasonable accommodations:** Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or 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 SFA's employees with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.

**Undue hardship:** Incurred when an accommodation request impacts the operations or business through the cost factors involved, or the effect on the safety of the requestor or other individuals, or due to the impact on the university's ability to conduct business.

**Religious accommodation:** is a reasonable change in the work, academic or university environment that enables an individual to practice or observe a sincerely held religious belief or practice, but which does not fundamentally alter the academic or work environment or cause undue hardship to the mission or operations of the University.



**Religion:** includes all aspects of religious observance and practice as well as belief which may include not only traditional, organized religions but also religious beliefs which are new, uncommon, or otherwise unaffiliated with a formal church or sect.

**Religious Belief:** includes theistic beliefs (i.e. those that include a belief in God) as well as non-theistic “moral or ethical beliefs as to what is right and wrong which are sincerely held with strength of traditional religious views.”

Religious observances or practices include, for example, attending worship services, praying, wearing religious garb or symbols displaying religious objects, adhering to certain dietary rules, proselytizing or other forms of religious expression, or refraining from certain activities.

### **Policy**

Stephen F. Austin State University shall make reasonable workplace accommodation for any employee having a known physical or mental impairment as defined under the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 and the ADA Amendments Act of 2008, or state regulations, which does not constitute an undue hardship to the university.

Stephen F. Austin State University shall make reasonable workplace accommodations for employees with sincerely held religious beliefs in accordance with the Texas Labor Code, and/or for employees who qualify under the Pregnancy Discrimination Act of 1978 and Section 7(r) of the Fair Labor Standards Act, if the requested accommodation does not constitute an undue hardship.

### **Procedures**

Job postings will include a statement that all reasonable workplace accommodations are requested by calling the human resources department. The director of human resources or his/her designee will be responsible for overseeing the reasonable workplace accommodation policy and the procedures to ensure compliance.

Any employee requiring an accommodation shall notify his/her immediate supervisor as soon as practical, informing the supervisor of the nature of the disability or other reason for accommodation. Any supervisor notified of a disability or receiving a workplace accommodation request shall immediately report it to the director of human resources or his/her designee.

The employee shall provide to the director of human resources or his/her designee the following within a reasonable time from the date of notification:

- A copy of all documentation relevant to making a decision about reasonable accommodation. Relevant documents may include, but are not limited to, medical records.
- For disability requests, a letter from an appropriate healthcare or rehabilitation professional. The letter shall contain a diagnosis, prognosis, and an evaluation as to the



effect the impairment will have on the employee's ability to perform the essential duties associated with the employee's position.

The director of human resources or his/her designee may request a letter from the employee requesting disability accommodation that includes:

- The nature and extent of the physical or mental impairment;
- A complete medical diagnosis by a qualified professional, including the results of any tests conducted to verify the extent of the condition;
- Which, if any, of the major life functions are substantially limited as a result of the employee's condition;
- A prognosis, including the permanent or temporary nature of the condition and a list of all job functions or tasks the employee cannot perform but can perform if reasonable accommodation is provided; and
- Recommendations for appropriate accommodations based on the job description and current duties, if applicable, including the source and type of any special equipment that may be needed.

The director of human resources of his/her designee may request a letter from the employee requesting religious accommodation that includes:

- The religious belief, practice, or observation obligation that is the basis of the accommodation request.
- The work requirement that conflicts with the religious belief, practice, or observation obligation and an explanation of the nature of the conflict.
- Recommendations for appropriate accommodations based on the job description and current duties, if applicable.

The director of human resources or his/her designee shall confer with the employee to ascertain the employee's requirements and input on a reasonable accommodation.

Before making a decision regarding the accommodation, the director of human resources or his/her designee may submit the employee's request for accommodation, accompanying documentation and medical records to an appropriate health care professional or a disability committee of appropriate university employees familiar with determining disability status for evaluation and recommendations at the university's expense. All information will be kept confidential by the expert or committee and all documentation provided to the expert/committee will be returned to the university by the expert/committee.

Based on the relevant information provided, the director of human resources or his/her designee shall determine what, if any, reasonable accommodation will be made and shall convey it to the employee and management. If accommodation would constitute undue hardship on the university, supporting documentation will state the reasons. An undue hardship determination will conform to definitions provided by the courts, ADA Amendments Act of 2008, and state regulations. Factors that may affect an accommodation decision should include, but are not



limited to, the availability of funding, the amount of disruption of work of other employees, and the impact on the university's ability to conduct business.

Reasonable workplace accommodations taken may include making existing facilities readily available; modifications or adjustments to the work environment or manner or circumstances under which the position's essential functions are customarily performed; modifications or adjustments that enable the individual with the disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities; and other appropriate adjustment to the work environment of a qualified individual with a disability or sincerely held religious belief.

Unless extenuating circumstances exist, the review process should occur promptly without unreasonable delay.

The director of human resources or his/her designee shall periodically confer with the employee with the disability to determine continuance of the workplace accommodation and shall notify the appropriate university personnel regarding the continuation or discontinuation of the workplace accommodation.

In addition to ADA information, all medical information concerning the employee requesting an accommodation shall remain confidential and separate from personnel files. This includes any doctor's statements, leave forms, or any other information that pertains to the medical condition or medical history of the employee. This pertains not only to all records kept by the human resources department, but extends to any records kept in the departmental offices.

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 human resources department.

The president or his/her appointed representative shall periodically review and update this policy and procedures to ensure compliance with EEO laws.

### **Related Statues or Regulations, Rules, Policies, or Standards**

Rehabilitation Act of 1973, Pub. L. No. 93-112, 29 U.S.C. § 793, 34 C.F.R. § 104, 41 C.F.R. § 60-741

Americans with Disabilities Act of 1990, Pub. L. No. 110-325, 42 U.S.C. §§ 12101-12213 as amended by the American with Disabilities Act Amendments Act of 2008, Pub. L. No. 110-325, 122 Stat. 3553

Pregnancy Discrimination Act of 1978; Fair Labor Standards Act, Section 7(r)

Tex. Lab. Code §§ 21.051-129

### **Responsible Executive**



Vice President for Finance and Administration, Director of Human Resources

**Forms**

None

**Revision History**

September 1, 2023 (original)