**Workplace Accommodation UPPS No. 04.04.60
 Issue No. 7**

 **Revised Date: 04/22/2024
 Effective Date: 01/05/2024
 Next Review Date: 02/01/2027 (E3Y)**

**Sr. Reviewer: Workplace Accommodation Coordinator**

**POLICY STATEMENT**

*Texas State University is committed to providing reasonable workplace accommodations to individuals with disabilities, those who are pregnant, or those who require religious accommodations.*

**01. SCOPE**

\*01.01 Texas State University is committed to an educational and work environment that provides equal opportunity and access to all qualified persons in accordance with [UPPS No. 04.04.46](https://policies.txst.edu/university-policies/04-04-46.html), Prohibition of Discrimination. This policy and its procedures are for requesting employment accommodations based on pregnancy status, religious observance, or disability-related needs

**02. DEFINITIONS**

02.01 [Americans with Disabilities Act Amendments Act (ADAAA)](http://www.ada.gov/pubs/adastatute08.htm) – The [ADA](http://www.ada.gov/pubs/adastatute08.htm), signed into law on July 26, 1990, prohibits discrimination on the basis of disability in employment, programs, and services provided by state and local governments and in goods and services provided by private companies and in commercial facilities. Although pregnancy itself is not a disability, impairments related to pregnancy can be disabilities if they substantially limit one or more major life activities or substantially limited major life activities in the past. The ADA also covers pregnant workers who are regarded as having disabilities.

02.02 [Title VII of the Civil Rights Act](https://www.eeoc.gov/statutes/title-vii-civil-rights-act-1964#:~:text=Title%20VII%20prohibits%20employment%20discrimination,religion%2C%20sex%20and%20national%20origin.) – Title VII requires federal agencies, upon notice of a request, to reasonably accommodate employees whose sincerely held religious beliefs, practices, or observances conflict with work requirements.

02.03 [The Pregnancy Discrimination Act (PDA)](https://www.eeoc.gov/pregnancy-discrimination#:~:text=The%20Pregnancy%20Discrimination%20Act%20(PDA,term%20or%20condition%20of%20employment.) – a federal law classifying employment discrimination based on pregnancy, childbirth, or related medical conditions as a prohibited form of sex discrimination. The PDA requires employers treat individuals affected by pregnancy or related medical conditions the same as non-pregnant applicants or employees who are similar in their ability or inability to work.

02.04 Person with a Disability – according to the [ADA](https://www.eeoc.gov/statutes/ada-amendments-act-2008), anyone who:

a. has a physical or mental impairment that substantially limits one or more major life activities;

b. has a record of such impairment; or

c. is regarded as having such an impairment.

02.05 Qualified Employee or Applicant with a Disability – an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question.

02.06 Reasonable Accommodation – modification or adjustment to the job application process or the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions. Texas State recognizes that employees with disabilities may have special needs for which accommodations may be necessary in order for the employee to perform the essential functions of their job. Reasonable accommodations for employees may include, but are not limited to:

a. modification of existing facilities used by employees to be readily accessible and usable by individuals with disabilities;

b. job restructuring;

c. part-time or modified work schedules;

d. change of primary worksite (including hybrid or remote work);

e. reassignment to a vacant position;

f. acquisition or modification of equipment or devices;

g. appropriate adjustment or modification of examinations, training materials, or policies; and

h. provision of qualified readers or interpreters.

02.07 Hybrid Schedules – any arrangement in which a given employee’s schedule is a combination of both remote and in-office work.

02.08 Undue Hardship – an action requiring significant difficulty or expense.

02.09 Service Animals – for more information regarding the requirement of services animals see [UPPS No. 01.04.08](https://policies.txstate.edu/university-policies/01-04-08.html), Service Animals.

02.10 Pregnant or Pregnancy – refers to a person affected by pregnancy, childbirth, or a related condition, or the quality of being affected by pregnancy, childbirth, or a related condition.

02.11 Religious Accommodation – any adjustment to the work environment that will allow an employee or applicant to practice their religion in the workplace.

 **NOTE:** Accommodations that include remote work must comply and follow procedures outlined in [UPPS No. 04.04.01](https://policies.txst.edu/university-policies/04-04-01.html), General Workplace Policy.

**03. RESPONSIBILITIES AND PROCEDURES FOR REQUESTING ACCOMMODATIONS DUE TO A DISABILITY OR PREGNANCY**

03.01 Employees with disabilities or those who are pregnant and who may require accommodations should follow the procedures outlined in this policy. It is the responsibility of the individual to make their needs known to Texas State in a timely manner. Failure to do so may delay the accommodations.

03.02 It is the responsibility of applicants who require to make their needs known to the hiring department accommodations during the pre-employment process and in a timely manner. It is the responsibility of the hiring department to provide appropriate accommodations for applicants. The Workplace Accommodation Coordinator is available to work with department and program staff who may need guidance and recommendations on meeting accommodation requests.

03.03 The Workplace Accommodation Coordinator is available to meet with any employee who plans to make a request for accommodations in order to assist the employee in exploring accommodation options. [The ADA Workplace Accommodations website](https://www.eeoc.gov/statutes/titles-i-and-v-americans-disabilities-act-1990-ada) provides contact information, additional details related to the Workplace Accommodation Coordinator, and information for reasonable accommodations for employees.

03.04 An individual who seeks an accommodation in order to perform the essential functions of the job may initiate the accommodation process by making a verbal or written request to any one of the following:

a. their immediate supervisor; or

b. the Workplace Accommodation Coordinator.

03.05 Before the Workplace Accommodation Coordinator acts on an accommodation request, the employee must provide a written request for an accommodation. To determine the appropriate accommodation, ADA staff will enter into an interactive process with the employee. The ADA interactive process will include:

1. meeting with the employee to identify limitations and possible accommodations;
2. notifying the supervisor that the employee has made a request for accommodations;
3. working with the employee on an accommodation plan;
4. meeting with the supervisor and the employee to discuss implementation of a workplace accommodation plan before the [Workplace Accommodation Agreement](https://gato-docs.its.txstate.edu/jcr%3Aad38bed5-d451-43d4-a17c-0dbeed510eb9/Workplace%20Accommodations%20Agreement%20Example.pdf) is drafted and routed for review, approval, and signature to the employee, their supervisors, the department head, and the divisional vice president. The Workplace Accommodation Coordinator will then review and sign the agreement to finalize the process.
5. implementing agreed-upon accommodations, if possible;
6. meeting with the employee, as required, to evaluate the effectiveness of the accommodations; and
7. modifying accommodations to make them more effective, as necessary.

03.06 The documentation should be addressed to the Workplace Accommodation Coordinator and must meet the criteria outlined in the [Workplace Accommodation Disability Documentation Guidelines](https://gato-docs.its.txstate.edu/jcr%3Af378a9f3-8c0f-468a-b8ac-52d8b1892720/Disability%20Documentation%20Guidelines.pdf). Accommodations requested leading to a reasonable assumption of the condition and limitations (e.g., wheelchair users, blind or visually impaired individuals) do not require documentation.

03.07 When directing an accommodation request to the Workplace Accommodation Coordinator, the employee should include the following:

1. documentation of the disability or pregnancy and the functional limitations caused by the condition;

b. a description of the desired accommodation;

c. an explanation of how the requested accommodation relates to the functional limitations of the disability;

d. a description of what steps have been attempted to address the need for which the accommodation is now requested, if applicable; and

e. possible alternatives if the requested accommodation or configuration is not possible.

**04. PROCEDURES FOR REQUESTING WORKPLACE RELIGIOUS ACCOMMODATIONS**

04.01 It is the responsibility of employees to make their needs known to Texas State in a timely manner. Failure to do so may delay the requested accommodations. Requests for religious accommodation should be based on a conflict between the individual's religious belief or practice and their work duties or the university’s application process. The employee should make the request orally or in writing (via letter, email, or fax) to their supervisor. These requests may be handled informally between the employee and their supervisor.

Should the employee wish to formally request for an accommodation with the Workplace Accommodation Coordinator’s office, the interactive process will be initiated.

Formal requests for religious accommodation by current employees shall comply with the following procedures:

a. The employee will notify the Workplace Accommodation Coordinator of the need for religious accommodation as soon as possible.

b. The Workplace Accommodation Coordinator will confer with the employee to obtain the employee’s input regarding a reasonable accommodation; the Workplace Accommodation Coordinator will discuss appropriate accommodations with the employee.

c. The Workplace Accommodation Coordinator will discuss the requested accommodations with the employee’s supervisor to confirm the reasonable accommodation may be provided.

d. The Workplace Accommodation Coordinator will draft [a Workplace Accommodations Agreement](https://gato-docs.its.txst.edu/jcr%3Aad38bed5-d451-43d4-a17c-0dbeed510eb9/Workplace%20Accommodations%20Agreement%20Example.pdf) that specifies the nature of the accommodation to be provided, the effective date, and the end date of the accommodation, if applicable. The employee, their supervisor, the department head, and the divisional vice president will sign the completed agreement upon approval. The Workplace Accommodation Coordinator will then review and sign the agreement to finalize the process.

04.02 During hiring, it is the responsibility of applicants who require accommodations to make their needs known to the department during the interview and in a timely manner. It is the responsibility of the hiring department to provide appropriate accommodations for applicants. The Workplace Accommodation Coordinator is available to work with department and program staff who may need guidance and recommendations on meeting accommodation requests.

**05. PROCEDURES FOR DETERMINING REASONABLE ACCOMMODATIONS**

05.01 The Workplace Accommodation Coordinator will retain a permanent confidential accommodation file on the employee.

05.02 The Workplace Accommodation Coordinator, in consultation with the other disability specialists and medical professionals or subject matter experts as needed, will review the employee’s disability documentation and request for accommodation, or form for requesting religious accommodation, to determine if an accommodation is appropriate.

05.03 The Workplace Accommodation Coordinator will draft a [Workplace Accommodation Agreement](https://gato-docs.its.txstate.edu/jcr%3Aad38bed5-d451-43d4-a17c-0dbeed510eb9/Workplace%20Accommodations%20Agreement%20Example.pdf) that specifies the nature of the accommodation to be provided, the effective date, and the end date of the accommodation, if applicable. The employee, their supervisor, the department head, and the divisional vice president will sign the completed agreement upon approval. The Workplace Accommodation Coordinator will then review and sign the agreement to finalize the process.

**06. PROCEDURES FOR PROVIDING WORKPLACE ACCOMMODATIONS**

06.01 The employee’s director or department head is responsible for approving any costs associated with providing job accommodations and may recommend an alternative accommodation to that proposed by an employee, as long as it allows the employee to fulfill the essential functions of the job.

06.02 If the director or department head determines that the requested accommodation creates an undue hardship to the department, they may refer to the next level of supervision. If necessary, the divisional vice president will review the nature and cost of the accommodation to determine applicable resources for the accommodation.

06.03 The employee’s vice president will determine whether a requested accommodation will amount to an undue hardship for the university. In making this determination, the vice president will consider the factors in the laws and regulations and consult with appropriate parties.

**07. APPEAL PROCEDURES**

07.01 If the employee is not satisfied with the Workplace Accommodation Coordinator’s or the director’s or department head’s response, they can:

a. appeal in writing to the divisional vice president within 10 working days of receiving the response; or

b. follow [UPPS No. 04.04.46](https://policies.txstate.edu/university-policies/04-04-46.html), Prohibition of Discrimination, to reach resolution of the complaint.

07.02 Employees who have filed a grievance involving discrimination through the Office of Equal Opportunity & Title IX and are not ultimately satisfied with the outcome may also contact the [Equal Opportunity Employment Commission](https://www.eeoc.gov/contact-eeoc).

**08. REVIEWERS OF THIS UPPS**

 08.01 Reviewers of this UPPS include the following:

 Position Date

 ADA Compliance Coordinator/ February 1 E3Y

 Workplace Accommodations

 Coordinator

 Director, Office of Disability Services February 1 E3Y

 Associate Vice President for Human February 1 E3Y

 Resources

 Assistant Vice President for February 1 E3Y

 Institutional Compliance, Chief

 Compliance Officer

**09. CERTIFICATION STATEMENT**

This UPPS has been approved by the following individuals in their official capacities and represents Texas State policy and procedure from the date of this document until superseded.

ADA Compliance Coordinator; senior reviewer of this UPPS

Assistant Vice President for Institutional Compliance and Chief Compliance Officer

Chief of Staff and Vice President

President