

## UC Davis Personnel Policies for Staff Members

### Other Policies

#### Section 81, Reasonable Accommodation

Date: 6/12/08

Supersedes: 7/1/06

Responsible Department: Human Resources

Source Document: UC PPSM 81

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*Exhibit A, Reasonable Accommodation Record of Action*

### 81.A. GENERAL

**Note 1**--Disability Management Services provides services including assistance with the Interactive Process, employee counseling, department consultation on reasonable accommodation, and coordination of special selection procedures. Services are available as appropriate for both industrial (Workers' Compensation) and nonindustrial injuries and illnesses. Departments and individual employees may request assistance by calling the Disability Management Services office at their location.

### 81.B. INTERACTIVE PROCESS

**Note 1**--See Universitywide procedure 81.B for outline of the interactive process.

**Note 2--Reasonable Accommodation.** "Reasonable accommodation" is a reasonable change or modification that will enable an employee to perform the essential functions of the job and that will not pose undue hardship to the employer. In addition, it includes reasonable modifications to a job application process. Examples of reasonable accommodation are described in Universitywide Procedure 81.B.3.

**Note 3--Funding.** No central accommodation fund exists. The department pays the cost of providing reasonable accommodation. If the department cannot afford the cost, assistance may be available from the dean, vice chancellor, or UCDHS associate director. If further financial assistance is needed, Disability Management Services may be able to suggest other potential funding sources.

**Note 4--Undue Hardship.** The University is not required to provide accommodation (1) where the accommodation is unreasonable or (2) where it would impose undue hardship on the University. Examples of factors that are considered in deciding whether a requested accommodation constitutes undue hardship include, but are not limited to, the following:

- The nature and cost of the accommodation.
- The overall financial resources of the campus.
- The number of persons employed by the facility.
- The effect of the reasonable accommodation on resources.
- The impact of the accommodation upon the operations of the department, including the ability of other employees to perform their duties and the department's ability to conduct business.

**Note 5--Modified Duty.** For those employees who sustain a work-incurred injury or illness and are temporarily unable to perform their regular duties, a modified duty program has been established. See UCD Policy & Procedure Manual Section 370-20 or UCDHS Hospital Policies & Procedures Manual Section 2942 for complete information.

**Note 6--Temporary Accommodation.** For those employees who sustain a non-work-incurred injury

or illness and are temporarily unable to perform their regular duties, the department is encouraged to provide temporary modified duty as appropriate.

### **81.C MEDICAL DOCUMENTATION**

**Note 1**--Contact Disability Management Services for assistance prior to requesting appropriate documentation to assist with understanding the nature of the employee's functional limitations.

Prior to requesting that the employee be examined by a University appointed, licensed healthcare provider, the department shall consult with Disability Management Services.

**Note 2--Workers' Compensation.** When an employee has restrictions due to a workers' compensation injury, the University's workers' compensation unit shall advise the department of the employee's permanent restrictions.

### **UCD PROCEDURE 81.1--REASONABLE ACCOMMODATION**

- a. The employee informs the department of his/her functional limitations and the need for reasonable accommodation and provides documentation from a healthcare provider of functional limitations. The department discusses the limitations with the employee.
- b. If requested, Disability Management Services provides technical assistance to the employee and supervisor in responding appropriately to the employee's medical condition.
- c. The department gives primary consideration to the requested accommodation and provides it, if the requested accommodation is "reasonable" and will not impose undue hardship on the University (see definitions above). The department can obtain assistance in identifying alternatives from the Disability Management Services or Employee & Labor Relations units.
- d. The supervisor informs the employee whether the request for accommodation is approved, approved with modifications, or is denied. If an accommodation is approved, the employee and supervisor implement the accommodation.
- e. The department is required to complete Exhibit A, Reasonable Accommodation Record of Action or the Temporary Accommodation form and submit to Disability Management Services.
- f. If the department is unable to accommodate the employee, the department contacts Disability Management Services. The supervisor discusses options with the employee.
- g. The Vocational Rehabilitation Counselor analyzes the essential functions of the job, reviews the functional abilities and limitations of the employee, consults with the employee and supervisor, and then makes a recommendation as to whether the department should accommodate.
- h. If no accommodation in the employee's present position is possible, the Vocational Rehabilitation Counselor determines the employee's eligibility for special selection for reassignment to other positions as described in UCD Procedure 81.2, below.
- i. The employee may appeal a denial of accommodation as described in Policy 70 and Procedure 70.

### **UCD PROCEDURE 81.2--SPECIAL SELECTION (REASSIGNMENT)**

**Reassignment.** If accommodation in the employee's current position is not possible, reassignment to an active, vacant position, or a position anticipated to be vacant within a reasonable amount of time, shall be required. The employee must meet minimum qualifications of the position in order to be eligible for the reassignment. An individual is considered to be qualified for a position if he/she (1) satisfies the skill, experience, and other job-related requirements of the position, and (2) can perform the essential functions of the position, with or without reasonable accommodation.

- a. A Vocational Rehabilitation Counselor works closely with the individual to review and evaluate suitable vacancies.
- b. The Vocational Rehabilitation Counselor reviews vacancy listings and consults with Recruiters to evaluate suitability of certain vacancies for qualified individuals. The individual may access the campus or UCDHS vacancy listings via the Internet.
- c. If a potentially suitable open and vacant position exists for a qualified Disability Management Services individual, the Vocational Rehabilitation Counselor or Recruiter contacts the hiring department. The Vocational Rehabilitation Counselor and the Recruiter together make the determination as to whether the individual is minimally qualified and can perform the essential duties of the position, with or without reasonable accommodation,
- d. The hiring department meets with the individual for a qualifications review to confirm that they are minimally qualified for the position. This can occur before the publication of the vacancy, before the final filing date, or once the vacancy closes.
- e. If the hiring department confirms that the individual is minimally qualified, the hiring department makes an offer of employment.
- f. If the hiring department determines that the individual is not minimally qualified for the position, the hiring department contacts the Vocational Rehabilitation Counselor and the Recruiter to discuss their decision and in consultation with Disability Management Services, makes a final recommendation.
- g. If the Special Selection process results in a disqualification, the hiring department informs the individual that he/she is not qualified and documents the disqualification.