

# Policies & Procedures

## PERSONNEL PROCEDURES FOR UC IRVINE STAFF MEMBERS

### Other Policies

#### Procedure 81: Reasonable Accommodation

**Responsible Office:** Human Resources

**Revised:** September 2022

#### A. References

[Americans with Disabilities Act \(ADA\)](#)

[Fair Employment and Housing Act \(FEHA\)](#)

#### Personnel Policies for Staff Members

- [Policy 20](#), Recruitment and Promotion
- [Policy 21](#), Selection and Appointment
- [Policy 66](#), Medical Separation
- [Policy 81](#), Reasonable Accommodation

#### Personnel Procedures for UCI Staff Members

- [Procedure 66](#), Medical Separation

#### B. Authority and Responsibility

1. All parties, including the supervisor, employee, and Disability Management Specialist are responsible for responding to reasonable requests for information in a timely manner and to meet and confer as needed. This may or may not include formal notification of a disability or medical condition which may require workplace modifications.
2. The employee is responsible for providing medical documentation describing disability-related limitations.
3. All parties, including the supervisor, employee, and Disability Management Specialist are responsible for engaging in the Interactive Process for determining reasonable accommodation.
4. The supervisor defines the essential job functions and in consultation with the Disability Management Specialist discusses possible options. A reasonable accommodation is identified and implemented.

5. The Disability Management Specialist provides reasonable accommodation and return-to-work services to all active UCI campus employees with work and non-work incurred injuries or illness.
6. Per UCI's transitional return to work program, if the home department cannot temporarily accommodate the employee's temporary limitations, the Disability Management Specialist commences alternate job search to place the employee in a position in an alternate department as a temporary accommodation for up to 90 days at the expense of the home department.
7. In cases where a permanent accommodation cannot be provided with the home department and no reassignment opportunity has been identified, the Disability Management Specialist and Employment Recruiter collaborate with the employee regarding vacancies for which the employee meets the minimum qualifications for a vacant position of the same or lower range/grade. If employee meets the minimum qualifications of the job and is not offered the position, the hiring department head is required to document the reason(s) for non-selection.

### **C. Purpose**

When a qualified individual with a mental or physical disability is, or becomes, unable to perform the essential, assigned duties of the currently held position as a result of a covered disability, UCI is committed to providing reasonable accommodation. UCI will explore reasonable accommodation options when:

- An employee requests accommodation or indicates a need for an accommodation due to a covered disability, or
- When the need for reasonable accommodation is obvious.

Accommodation options will be considered in discussions with the employee. This is an Interactive Process that requires the active participation of the employee and their supervisor.

### **D. Definitions**

- Reasonable Accommodation- a modification or adjustment that is effective in enabling an employee to perform the essential functions of the job held or desired without imposing an undue hardship
- [Interactive Process](#)
- [Medical Documentation](#)
- [Essential Functions](#)
- [Job Analysis \(JA\)](#)
- [Job Description \(JD\)](#)
- [Mental Disability](#)
- [Physical Disability](#)
- [Qualified Individual with a Disability](#)
- [Licensed Health Care Practitioner](#)

- Reassignment-Any employee who becomes disabled with permanent work restrictions and cannot be accommodated in their home department may be selected for a position which has not been publicized (see Staff Policy 20.B.3., Exceptions to Recruitment).

An employee who becomes disabled may be selected for an open position for which they qualify, and may be considered for open positions over non-disabled applicants. The local Disability Management Specialist, or an appropriate University representative, will assist the disabled employee with alternate job placement.

### **E. Interactive Process and Accommodation Procedures**

The interactive process will be initiated by the University when the employee formally or informally requests an accommodation or the University otherwise has reason to believe that the employee may need assistance in performing the essential functions of the employee's current position due to a disability. A request for accommodation may be made orally or in writing by the employee or made by someone on behalf of that employee.

The University will coordinate the interactive process. Participants in the process include the employee and a manager, typically the employee's supervisor. Other University representatives may include, but are not limited to, the location's Disability Management Specialist.

The employee and University representatives are expected to participate in the interactive process in good faith. For the employee, that good faith obligation includes promptly responding to the University's reasonable requests for information about the employee's functional limitations, including requests for supporting documentation from the employee's health care providers.

The interactive process includes the following steps:

**1. Analyze the job requirements and identify essential and non-essential job functions.** A job function may be considered essential for any of several reasons, including but not limited to:

- a. The function may be essential if the job exists to perform that function.
- b. The function may be essential because of the limited number of employees available to perform the function, or among whom the function can be distributed.
- c. The function may be highly specialized so that the employee in the position is hired or retained for the employee's expertise or ability to perform the

particular function.

**2. Identify the employee's job-related functional limitations by consulting with the employee and by reviewing documentation related to the employee's functional limitations.**

If the University requests information regarding the employee's functional limitations, the University will provide a current job description and/or other documentation that outlines essential and non-essential job functions, which the health care provider can reference when evaluating the employee's functional capabilities and limitations. The job description and/or other documentation may also enable the health care provider to suggest possible accommodations for the University to consider.

**3. Identify possible reasonable accommodations.**

A reasonable accommodation enables an employee to perform the essential functions of the job effectively. The University and the employee should work together to identify possible reasonable accommodations. The University will consider possible accommodations suggested by the employee in addition to those identified by the University. Examples include, but are not limited to:

- job restructuring (e.g. transfer of non-essential job functions to another employee);
- ergonomic adjustments;
- modification of work tools or equipment;
- assistive devices;
- modification of existing facilities;
- time off for medical visits;
- modified work schedule; and
- leaves of absence for treatment and/or recovery

When the interactive process has resulted in a determination that the employee with a disability cannot be reasonably accommodated in the current position absent undue hardship but the employee may be able to perform the essential functions of another University position, with or without reasonable accommodation, and the employee is interested in reassignment, the University will consider reassignment to a suitable vacant or soon to be vacant position.

**4. Assess whether the proposed accommodation poses an undue hardship.**

The University need not provide a requested accommodation if doing so would pose an undue hardship. This determination is made on a case-by-case basis. An undue hardship is defined as any action requiring significant difficulty or expense, taking into account such factors as: the nature and cost of the

accommodation, the impact the proposed accommodation would have on operations, and the overall financial resources of the location.

**5. Implement the reasonable accommodation.**

When the reasonable accommodation is implemented, the employee and supervisor (and co-workers, where appropriate) should become fully familiar with any changes in their roles and responsibilities so that the accommodation plan may be fully realized.

**6. Monitor effectiveness of the reasonable accommodation and continue the interactive process as necessary.**

Any changes in circumstances may warrant a continuation of the interactive process so that the employee and the University can reevaluate the reasonable accommodation and determine whether any changes are needed. For example, if the employee's functional limitations change or the reasonable accommodation is not effective or becomes ineffective, the employee should promptly advise their supervisor so that the interactive process can be continued.

**7. Document the process and accommodation.**

A written record should be kept of the interactive process and any accommodation that is considered and/or implemented. Such documentation shall be retained apart from the employee personnel file.

## **F. Undue Hardship**

---

The department head, in consultation with the Disability Management Specialist, will evaluate whether the requested accommodations constitute undue hardship and will consider the following points in making a determination:

- The nature and cost of the accommodation.
- The overall financial resources of the department, the number of employees in the department, and the effect on expenses and resources of the facility.
- The type of operation of the employer, including the composition, structure, and functions of the workforce, the geographic separateness, and the administrative or fiscal relationship to the larger entity of the facility involved in making the accommodation.

- The impact of the accommodation on the operation of the unit that is making the accommodation, including the ability of other employees to perform their duties.
- If undue hardship applies, see [Procedure 66](#), Medical Separation.

## **G. Reassignment**

---

The University will pursue reassignment when (1) the interactive process has resulted in a determination that there is no reasonable accommodation that would enable the employee to perform the essential functions of the employee's current position absent undue hardship; (2) the employee may be able to perform the essential functions of another University position, with or without reasonable accommodation; and (3) the employee is interested in reassignment. An alternate job search will be conducted to identify a suitable vacant or soon to be vacant position.

An alternate position is suitable if the employee possesses the requisite qualifications for the position (e.g., required skills, knowledge, abilities, experience, education, license, certificate) and can perform the essential functions of the position with or without reasonable accommodation. When a suitable position has been identified, the employee will be given preferential consideration for that position. An employee may be reassigned to a suitable position as a reasonable accommodation even if the position has not yet been publicized, per Personnel Policies for Staff Members (PPSM) 20.B.3 (see [Staff Policy 20.B.3. Exceptions to Recruitment](#)).

When conducting the alternate job search, vacant positions that would be considered lateral to the employee's current position will first be considered. All aspects of a vacant position will be considered when assessing whether it is lateral to the employee's current position. Notwithstanding the definition of "promotion" in PPSM 2 (Definition of Terms), for purposes of this policy, if an employee's salary could remain the same in the alternate position, the fact that the salary range of the alternate position has a higher maximum than the salary range of the employee's current position will not, standing alone, mean that reassignment to that position would be a promotion rather than a lateral move. If there are no suitable lateral positions, the possibility of reassignment to a lower position will be explored.

## **H. Applicability**

---

All staff members. Employees who are in a bargaining unit that has an exclusive representative (union) are covered by the applicable provisions of the collective bargaining agreement.