

# UHCL ADA/AA Procedures

## Procedures for Workplace Accommodation

### 1. Request

A request for a reasonable workplace accommodation should begin with the employee. The employee should contact the ADA Coordinator to obtain and complete the Request for Workplace Accommodation form and then submit a copy of the completed form to the ADA Coordinator. Supervisors should direct any employees needing an accommodation to the ADA Coordinator.

### 2. Medical Certification/Documentation of Disability

- A. Documentation of a disability will be required when a disability and/or need for a workplace accommodation is not obvious. Unless the disability and/or need for a workplace accommodation is obvious, the ADA Coordinator will provide the employee with a Medical Certification form to be completed by the employee's Licensed Health Care Practitioner.
- B. The Medical Certification form will instruct the employee's Licensed Health Care Practitioner to refrain from providing any Genetic Information, as defined in this policy, in completing the form.
- C. The employee shall submit the Request for Workplace Accommodation form and the Medical Certification form to the ADA Coordinator.

### 3. Independent Medical Opinion

- A. The University of Houston-Clear Lake (UHCL) has the authority to obtain, at UHCL's expense, an independent medical opinion concerning the impairment for which an employee seeks an accommodation, including additional suggestions or recommendations regarding reasonable workplace accommodations, yet excluding Genetic Information.
- B. The failure of an employee to cooperate in obtaining such an independent medical opinion will result in the cancellation of the request for accommodation.

### 4. Interactive Reasonable Workplace Accommodation Review

- A. Once all required documentation has been provided to and/or obtained by the ADA Coordinator, the ADA Coordinator shall determine if the employee is a "Qualified Person with a Disability." If the requesting employee is a "Qualified Person with a Disability," the ADA Coordinator and the employee's supervisor will engage in an interactive review to determine whether the workplace accommodation requested by the employee is reasonable and, if so, whether it should be approved and implemented. As part of this interactive review, the ADA Coordinator and the employee's supervisor will take the following steps:

1. Analyze the particular job involved and determine its purpose and essential functions.
  2. Consult with the employee to ascertain the precise job-related limitations imposed by the individual's disability and how those limitations could be overcome with a reasonable accommodation.
  3. In consultation with the employee, identify potential accommodations and assess the effectiveness each would have in enabling the individual to perform the essential functions of the position; and
  4. Consider the preference of the individual to be accommodated and select and implement the accommodation that is most appropriate for both the employee and UHCL.
- B. After engaging in this interactive process, the ADA Coordinator shall make a final recommendation as to an appropriate workplace accommodation, if any, to the employee's supervisor.
1. A Workplace Accommodation Response form will be completed and signed by the requesting employee, the requesting employee's supervisor, and the ADA Coordinator. A signed copy will be provided to the employee and supervisor. Any approved reasonable workplace accommodation shall be implemented.
  2. If the employee's supervisor rejects the ADA Coordinator's final recommendation, the employee's supervisor must provide the ADA Coordinator and employee a written justification for the rejection. In such instances, the requesting employee may utilize the appeal procedure outlined in Section 7 of the [Reasonable Workplace Accommodation for Employees with Disability \(Policy 02.E.09\)](#). The appeal guidelines are also identified below.

### **Expectations of Accommodated Employees**

Employees who have been granted a reasonable workplace accommodation must maintain UHCL's standards of performance, attendance, and conduct as specified by the accommodated employee's department or unit.

### **Appeal of ADA Coordinator's Workplace Accommodation Response**

- A. An employee who believes that his or her request for a workplace accommodation has been unreasonably denied or otherwise disagrees with the ADA Coordinator's Workplace Accommodation Response may file a written appeal with the appropriate Vice President to whom the employee ultimately reports within ten (10) working days of the date on the Workplace Accommodation Response form. In the event that the employee holds a position with reporting lines of authority under different Vice Presidents, the Vice Presidents will jointly agree which one shall consider the appeal.
- B. The appropriate Vice President shall review the Request for Workplace Accommodation, Medical Certification, and the Workplace Accommodation Response forms, along with any other records or information submitted to the ADA Coordinator during the initial workplace accommodation review and, within twenty (20) working days of the date of the appeal,

determine whether the ADA Coordinator's Workplace Accommodation Response should be upheld.

- C. If the appropriate Vice President determines that the ADA Coordinator's Workplace Accommodation Response should not be upheld, the appropriate Vice President in consultation with the ADA Coordinator and the employee's supervisor shall determine an alternative reasonable workplace accommodation.
- D. The Vice President's decision is final and not appealable. The Vice President's decision is not subject to the complaint provisions below (see Section 8 of [Reasonable Workplace Accommodation for Employees with Disability \(Policy 02.E.09\)](#))).

## COMPLAINTS

### Pursuance of Complaints within UHCL

An employee who believes that he or she has been discriminated against on the basis of a disability, or retaliated against due to a request for an accommodation made pursuant to this policy, may contact UHCL's Title IX Office to address the complaint of employment discrimination and/or harassment. See [SAM 01.D.07](#).

### Pursuance of Complaints outside UHCL

This policy does not preclude anyone from pursuing a complaint of discrimination with external agencies. Additional avenues for filing a complaint at any time before, during or after use of the UHCL's policy regarding employment discrimination and/or harassment, but within the time limits required by law, may include, but are not necessarily limited to, the Equal Employment Opportunity Commission and the Texas Workforce Commission.