

Sam Houston State University
A Member of The Texas State University System

Finance & Operations Human Resources Policy HR-05
Workplace Accommodations

SUBJECT: Workplace accommodations.

PURPOSE: To provide a working environment of non-discrimination for Sam Houston State University applicants and employees.

POLICY: Sam Houston State University (University) will not discriminate against any employee or applicant for employment because of the employee's race, creed, ancestry, marital status, citizenship, color, national origin, sex, religion, age, disability, veteran's status, sexual orientation, gender identity, or gender expression. Further, the University facilitates workplace accommodation in accordance with state and federal law for requesting, qualified employees and selected applicants due to pregnancy or parentage, religion, disabled veteran status, or a physical or mental disability. The University will employ, advance in employment, and otherwise treat qualified disabled and veteran individuals without discrimination based upon their physical or mental disability in all employment practices. All personnel actions are reviewed to ensure Equal Employment Opportunity (EEO) compliance.

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1. Definitions.

- a. Accommodation -- Reasonable modification or adjustment to a job, work environment, or hiring process that enables a qualified individual to perform what work that is customary and essential to a position and to enjoy equal benefits and privileges as other similarly situated employees. Accommodations may include, but are not limited to, the University's provision of (1) making accessible existing facilities, and (2) assistive technologies, (3) remote working options, and (4) other appropriate adjustments to the work environment of a qualified individual.
- b. Compensation – The wages, salary, or other income offered to an individual as payment for work performed. The University will not reduce a qualified employee's compensation because of any disability income, pension, or other benefit the applicant or employee receives from another source.
- c. Employee Development – The University's in-house training program provides employees at all levels professional development opportunities to equip University personnel for possible promotion.

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- d. Interactive process – A collaborative effort in which the University and the employee seeking an accommodation engage in an informal process or dialogue to clarify what the individual needs and identify the appropriate reasonable accommodations.
- e. Qualified Individuals with Disabilities – An individual with a disability is a person who has a physical or mental impairment that substantially limits one or more major life activity; a record of such an impairment; or, is regarded as having such an impairment. The Americans With Disabilities Act of 1990 (Public Law 101-336) Title I describes a “qualified individual” as a person with a disability who “satisfies the requisite skill, experience, education and other job related requirements of the employment position, and who with or without reasonable accommodation, can perform the essential functions of such position.”
- f. Undue Hardship – Defined as significant difficulty or expense. Undue hardship refers not only to financial difficulty, but also to accommodation requests that are unduly extensive or disruptive, or those that would fundamentally alter the nature or operation of the business.

2. Responsibility for Implementation

The President of Sam Houston State University has delegated, to the AVP for Human Resources or the AVP’s designee, responsibility for implementing policies and programs designed to provide equal access to employment opportunities for disabled workers and veterans. The Human Resources department manages and develops programs, and internal and external communication techniques to implement this policy and serve as liaison between the University and enforcement agencies. Under no circumstances will the University permit retaliation against an individual in any way for requesting an accommodation.

3. Workplace Accommodations

Persons seeking workplace accommodations must make their need for accommodation known to their supervisor or to the Leaves and Accommodations representative in Human Resources. Any supervisor notified of an accommodation request shall, within one (1) working day, report the request to the Leaves and Accommodations representative in Human Resources.

The accommodation request must be in writing identifying the reason (disability, pregnancy, or religion), the specific accommodation requested, and the length of time the accommodation would be necessary.

- a. Pregnancy and Parenting-Related Reasonable Accommodation
Employees are encouraged to request Pregnancy and Parenting-Related reasonable accommodations as early as possible. When the need for accommodation is not obvious, the university may request medical documentation similar to that requested for a disability accommodation in subparagraph c below.
- b. Religious Accommodation
Reasonable workplace accommodation requests should include the employee ‘s sincerely-held religious belief and how such belief conflicts with employment duties.

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c. Disability Accommodation of Disabled Veteran or Qualified Individual with a Disability

In addition to the written request for accommodation, when the disability is not obvious, the employee must provide a medical certification that contains a diagnosis, prognosis, and description of the major life function(s) that is impaired and affects the person's ability to perform duties and must identify the specific accommodation the individual is requesting relative to the disability. The University will attempt to provide reasonable accommodation for all disabilities which meet the standards established by the Americans With Disabilities Act. The University maintains the right to review the requested accommodation and determine (1) if the request can be facilitated; (2) if the accommodation will enable the qualified individual to attain the same level of performance; or (3) if the request would impose an undue hardship upon the University business operations, cost factors, or safety concerns for all employees.

Before making the decision regarding accommodation, the Director of Human Resources or their designee may submit the employee's request for accommodation, accompanying documentation and medical records to an appropriate health care professional for evaluation. All personal health information will be kept confidential throughout the review process to the fullest extent permitted by law.

4. Temporary Accommodations

The Leaves and Accommodations representative in Human Resources will work with the requesting employee and the employing department to respond to requests for workplace accommodations from the time the accommodation request is received, while all necessary information is being collected, and resulting in the review and decision process. While every effort will be made to collaborate with an employee's supervisor, the Human Resources Director, designee, or Leaves and Accommodations personnel, are delegated authority to offer temporary accommodations to an employee for a period of less than three weeks. This authority facilitates efficiency in addressing short-term accommodations or permits immediate accommodation while an employee collects medical and other documentation.

5. Interactive Process and Decision

Human Resources will facilitate an interactive process to review requested and/or necessary accommodation with the requesting employee, the employee's supervisor, and department head, as necessary. The interactive process may be conducted via email or, Human Resources may bring the employee and department supervisors together for one, or a series of meetings to discuss essential functions of the job, employee's current or expected limitations, requested or other potential accommodations appropriate for the situation, and alternations to accommodations over a period of time.

Human Resources shall communicate the decision on the requested accommodation in writing to the employee and the department head, including the workplace accommodation provided and the period of time of any approved accommodation. Ongoing accommodations, depending upon the nature of the request and employee's conditions, may be periodically reviewed and updated medical documentation requested.

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6. Appeal

An employee who believes their request for a workplace accommodation has been unreasonably denied or otherwise disagrees with the decision, may file a written appeal to the AVP of Human Resources within ten (10) working days of the date of the decision. The AVP of Human Resources will review the appeal with the employee's Division Vice President and provide notice of the decision to the employee within ten (10) working days of receipt. Deadlines may be extended in writing by the AVP when determined necessary.

Cabinet approval: April 5, 2022

Reviewed by: Rhonda Beassie, Associate Vice President for Human Resources
March 27, 2022

Next review: September 1, 2024