



4.2.3 Requests for Accommodations Under the ADA and the ADA Amendments Act of 2008 (ADAAA)

Chapter 4 - General Personnel	Original Effective Date: November 2000
Section: 4.2 Employee Relations	Date Last Reviewed: November 2020
Responsible Entity: Vice President and Chief Human Resources Officer and Vice President for Academic, Faculty and Student Affairs	Date Last Revised: November 2020

I. Purpose

This policy articulates UT Health San Antonio's responsibilities and implementation processes in compliance with the Americans with Disabilities Act (ADA) and the ADA Amendments Act of 2008 (ADAAA).

II. Scope

Title I of the ADA requires an employer to provide Reasonable Accommodations to Qualified Individuals with a Disability who are employees or applicants for employment or applicants for admissions as students, residents to one of the UT Health San Antonio schools.

III. Policy

It is the policy of UT Health San Antonio to comply with the provisions of the Americans with Disabilities Act (ADA) and the ADA Amendments Act of 2008 (ADAAA). The ADA prohibits discrimination against people with disabilities in employment, transportation, public accommodation, communications, educational environments, and governmental activities.

Reasonable Accommodations will be decided by the department in concurrence with the Office of Human Resources for employment-related requests and the Executive Director, Faculty, Student Ombudsperson and ADA Compliance Office for all other requests. It may be determined that additional medical information is needed. If so, the individual will be provided with necessary forms/questionnaires for the health care provider to complete.

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A. Requesting accommodation

1. Any **faculty or staff member** requesting an employment accommodation under the ADA is to submit a [Request for Accommodation Under the Americans with Disabilities Act \(ADA\)](#), form ADA-99, to the **Office of Human Resources** with a copy of the current job description or description of duties and responsibilities, as appropriate.
2. **Students, fellows, and residents** requesting an accommodation under ADA are to submit [Request for Accommodation Under the Americans with Disabilities Act \(ADA\)](#), form ADA-100, to the **Executive Director, Academic, Faculty, Student Ombudsperson and ADA Compliance Office** with a copy of the current job description (if appropriate).

B. Interactive Process

A Reasonable Accommodation under the ADA and ADAAA is an ongoing process. At any point in time, the individual receiving the Reasonable Accommodation may request a reevaluation of their request from the Office of Human Resources or the Executive Director, Academic, Faculty, Student Ombudsperson and ADA Compliance Office. At that point, the interactive process will be implemented in order to deal with any new requests and/or revisions to the initial requests.

C. Confidentiality

All medical-related information shall be kept confidential and maintained in the applicable office (Office of Human Resources or the Executive Director, Academic Faculty, Student Ombudsperson, and ADA Compliance Office) and will be maintained separately from other personnel or student, resident records. However, supervisors and managers and certain faculty in a school and/or program of study may be advised of information necessary to make the determinations they are required to make in connection with a request for an accommodation. First aid and safety personnel may be informed, when appropriate, if the Disability might require emergency treatment or if any specific procedures are needed in the case of fire or other evacuations. Government officials investigating compliance with the ADA and the ADAAA may also be provided relevant information as requested.

D. Records Retention

Form ADA-99, ADA-100, and attached documentation submitted to the Office of Human Resources and the Executive Director, Academic Faculty, Student Ombudsperson, and ADA Compliance Office will be maintained in a confidential manner in accordance with applicable federal and state mandated retention schedules.

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E. Pregnancy and Religious Accommodations

Pregnancy itself is not considered a Disability under the ADA. However, employees, students and residents who suffer from pregnancy related disabilities, such as preeclampsia or diabetes, are entitled to Reasonable Accommodations from the employer and/or school and/or program of study and educational environment.

Examples of pregnancy accommodations in the workplace include a reduced work schedule, restrictions on lifting, and providing ergonomic office furniture, time, and place for lactation activities.

Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on religion. This includes refusing to accommodate an employee's sincerely held religious beliefs or practices unless the accommodation would impose an Undue Hardship. A religious practice may be sincerely held even if newly adopted, not observed consistently, or different from common tenets of an individual's religion.

Examples of religious accommodations in the workplace and/or educational environment include exceptions to the dress code, schedule changes, and additional breaks during the workday and/or school day.

IV. Definitions

When used in this document with initial capital letter(s), the following words have the meaning set forth below unless a different meaning is required by context.

Disability – a mental or physical impairment that substantially limits at least one or more major life activities of an individual, a record of such an impairment, or being regarded as having such an impairment as described in the ADAAA listing of major life activities. The term does not include:

1. a current condition of addiction to the use of alcohol, a drug, an illegal substance, or a federally controlled substance; or
2. a currently communicable disease or infection as defined in Section 81.003, Health and Safety Code, or required to be reported under Section 81.041, Health and Safety Code, that constitutes a direct threat to the health or safety of other persons or that makes the affected unable to perform the duties of the person's employment.

Qualified Individual With A Disability – a person with a Disability who satisfies the requisite skill, experience, education and other job-related requirements of the employment position or educational program of study; such individual holds or desires, and who, with

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or without Reasonable Accommodation, can perform the essential functions of such position.

Reasonable Accommodation – generally speaking, a change in the work environment or work procedure that enables an individual with a Disability to enjoy equal employment opportunities. Examples of possible Reasonable Accommodations include making existing facilities accessible, job restructuring, modified schedules, and acquiring or modifying equipment.

Undue Hardship – an action that is excessively costly, extensive, substantial, or disruptive or that would fundamentally alter the nature or operation of the business. In determining Undue Hardship, factors to be considered include the nature and cost of the accommodation in relation to the size, the financial resources, the nature and structure of the employer’s operation, as well as the impact of the accommodation on the specific facility providing the accommodation.

V. Related References

Forms

Staff/Faculty Employment Accommodation Request Form:

[ADA-99, Request for Accommodation Under the Americans with Disabilities Act \(ADA\)](#)

Student, Fellow, Resident Accommodation Request Form:

[ADA-100, Request for Accommodation Under the Americans with Disabilities Act \(ADA\)](#)

Federal Law

Americans with Disabilities Act of 1990 (ADA)

ADA Amendments Act of 2008 (ADAAA)

Title VII of the Civil Rights Act of 1964

Handbook of Operating Policies (HOP)

[2.2.1 Records and Information Management and Retention](#)

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VI. Review and Approval History

- A. The approving authority of this policy is the University Executive Committee.
- B. The review frequency cycle is set for three years following the last review date, a time period that is not mandated by regulatory, accreditation, or other authority.

Effective Date	Action Taken	Approved By	Date Approved
11/2000	Approved	Executive Committee	
03/2017	Reviewed/Revised		
11/2020	Reviewed/Revised		