



Disability Accommodation Request Process for Employees

Employee Responsibilities

The disability accommodation process is interactive and requires cooperation and communication between the individual requesting accommodation and the UC Hastings staff members who respond to the request. Employees and appointees actively participate in the accommodation process by communicating their needs and interests and attending any meetings that may be necessary to discuss the accommodation request.

The first goal of the accommodation process is to help you remain in your current position, with or without accommodation. In many cases job modifications can be easily arranged by talking directly with your supervisor, administrator, or department chair. However, you are not required to disclose to your immediate supervisor the medical basis for a requested accommodation. UC Hastings must keep your medical information confidential under state and federal laws. If you choose not to make your accommodation request to your supervisor, or if you have questions about the accommodation process, you may contact the Human Resources Department for assistance.

Making an Accommodation Request

You may request accommodation by filling out the Disability Accommodation Request form or otherwise informing your supervisor of your need for accommodation.

Filling out an accommodation request form may not always be necessary, but using the form may be to your benefit because it helps the College maintain an accurate record of the request and what action was taken.

To begin the accommodation request process you may use the Accommodation Request For Disability or Serious Medical Condition form.

Click the link to download and print the [Accommodation Request For Disability or Serious Medical Condition form](#), or contact the Human Resources Department to request that the form be sent to you.

While you are not required to disclose medical information to your supervisor or co-workers, medical documentation (or additional medical documentation) is required in order to process an

accommodation request. It is your responsibility to obtain information from your health care provider in a timely manner using the [Health Care Provider Statement](#) form. Send documents to the Human Resources Department. The College will evaluate and respond to any medical information we receive. Employees are encouraged to use the forms provided to ensure that we receive sufficient information to process an accommodation request. UC Hastings will evaluate and respond to any medical information we receive even if the forms provided are not used. However, if the forms are not used this may necessitate clarification and possible delays regarding the medical information provided.

Confidentiality of Medical Information

By law, medical information must be maintained confidentially and separate from regular personnel records. Employee medical records are retained in the Human Resources Department in a separate locked file.

You are not required to reveal the diagnosis of your condition or the details of your medical treatment to your immediate supervisor or to co-workers. However, some employees choose to share this kind of information with others. Employees who voluntarily share medical information with co-workers should consider that it may be passed on to others. The information should still be treated as confidential. An employee who has shared some information at one time may later decide that he or she no longer wishes to discuss the condition or its treatment. Such decisions must be respected.

Manager/Supervisor Responsibilities

You must consider carefully an employee's request for accommodation due to disability. The first goal of the process is to keep the employee in the current position, with or without accommodation. In many cases, job or work space modifications can be arranged easily by talking with the employee. You should contact Human Resources if you have a request for accommodations. You will receive help evaluating the request and determining whether it should be approved.

While not all accommodation requests will be approved, an accommodation request may not be denied before it, and possible alternatives are thoroughly evaluated. This evaluation will include consultation with Human Resources. It is also necessary to document any accommodations that are provided to an employee. Failure to process an accommodation request properly is a serious matter and can result in disciplinary action.

Immediately forward any disability accommodation request forms that are submitted according to the forms' instructions. Should you receive a request without a form, discuss the request with Human Resources. We prefer that you forward all requests for accommodations to Human Resources. If an employee tells you about a health problem but does not make a specific accommodation request, contact Human Resources for assistance. The reasonable accommodation process begins as soon as the oral or written request for accommodation is made to any manager or to Human Resources. Therefore, it is extremely important to deal with it or forward the request to Human Resources, immediately.

Do not ask the employee for personal medical information or ask questions about the disability itself. The employee is not required to disclose to you the medical basis for the requested accommodation. Should the employee choose to disclose such information, advise him or her that disclosure is not necessary, and that you will keep the information confidential. If you receive documents containing medical information, immediately forward them to Human Resources. **Do not keep medical records in departmental files.**

Communication is a priority throughout the entire process, but particularly where the specific limitation, problem, or barrier is unclear where an effective accommodation is not obvious; or where the parties are considering different forms of reasonable accommodations. Both the individual making the request and the decision maker should work together to identify an effective accommodation.

How UC Hastings Will Respond to the Accommodation Request

Generally, after a request for accommodation is made, the next step is that the parties engage in the interactive process to determine what if, if any, accommodation should be provided. This means that the individual requesting the accommodation and UC Hastings must communicate with each other about the request, the precise nature of the problem that is generating the request, how a disability is prompting a need for an accommodation, and alternative accommodations that may be effective in meeting an individual's needs. UC Hastings will respond to a disability accommodation request as quickly as possible. Requests for minor physical office adjustments (e.g. desk height modifications or ergonomic enhancements) may be implemented by the supervisor without additional assistance. All other requests for disability accommodations must be referred to Human Resources for handling and engaging the employee in the interactive process.

If a request requires substantial action such as job duty modification, environmental changes, or equipment purchases, UC Hastings may need information about your medical condition, capacities or limitations before accommodations can be made. Representatives from Human Resources or Workers Compensation (for job related illnesses or injuries) may participate in the review of the request and any discussions or meetings that may be necessary.

If UC Hastings determines that it is not possible to accommodate you in your current position, and you can work at least half time or more, UC Hastings will attempt to place you in a vacant position that meets the following requirements:

- The position has the comparable or lower salary range or grade as your current position;
- You meet the position's minimum qualifications and special skill requirements; and,
- You are able to perform the position's essential functions with or without accommodation.

Job Analysis and Health Care Provider Statement

Representatives from the Human Resources Department may conduct a physical or cognitive job analysis of your position. The job analysis evaluates the position's physical or cognitive requirements and identifies essential job elements. Essential job elements are those that you must be able to perform, with or without accommodation. They cannot be removed from the position without changing its nature. Duties that are not essential may be modified, eliminated, replaced, or restructured as part of the accommodation process.

You may be given the job analysis to take to your health care provider to help him/her understand the job before determining whether you can perform the position's essential job elements.

UC Hastings asks that you have your health care provider complete a Health Care Provider Statement (available from Human Resources). This information is used to help identify an appropriate accommodation. You are responsible for obtaining the completed Health Care Provider Statement from the physician if one is requested. Occasionally, UC Hastings may determine that an independent medical assessment is necessary. If that is the case, UC Hastings will pay for the examination.

Reassignment

There are specific considerations in the interactive process when an employee needs, or may need, a reassignment. Generally, reassignments will only be considered if no accommodations are available to enable the individual to perform the essential functions of his or her current job, or if the only effective accommodation could cause UC Hastings undue hardship. In considering whether there are positions available for reassignment, the Human Resources Department representative will work with the employee requesting the reassignment to identify: 1) vacant positions within UC Hastings for which the employee may be qualified with or without accommodations; and 2) positions which UC Hastings has reason to believe will become vacant within a reasonable time from the date the search is initiated and for which the employee is qualified.

Leaves of Absence

In some circumstances, the appropriate accommodation may be a leave of absence from work. If the leave of absence will be for a defined and limited period of time and you expect to return to full duties in your position, follow UC Hastings' normal leave request procedures. For leaves of this type, completion of an accommodation request form is typically not necessary. Faculty should report such absences to the Academic Dean or Human Resources as applicable.

For some illnesses or injuries the health care provider cannot initially determine how long you will be away from work or when you will be able to resume your job duties. In these cases, a leave of absence may be the only accommodation that is recommended or available, and you should complete an accommodation request form. It may also be necessary for you to be placed on a leave of absence during UC Hastings' evaluation of your accommodation request.

Absences from work due to a serious health condition may also be covered by the [Family and Medical Leave Act](#).

Reemployment Assistance for Employees Who Are Separated

If you cannot be accommodated in your current position and placement in an alternative vacant position is not possible, you may be separated from UC Hastings employment. Employees who are separated from UC Hastings employment are eligible for re-employment assistance for up to 1 year following separation.

Complaint Resolution Process

If you are not satisfied with UC Hastings response to an accommodation request there are options you have for resolving your concern and/or getting assistance:

1. You may contact UC Hastings Human Resources to confirm that consideration has been given to your request.
2. The General Counsel of UC Hastings is responsible for overseeing the College's compliance with the federal laws addressing disability discrimination and accommodation. If you have a complaint or wish to raise a concern regarding disability discrimination or failure to accommodate you may contact General Counsel Elise Traynum at (415) 565-4851, email traynum@uchastings.edu.

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