

UCOP Human Resources Procedures 81 – REASONABLE ACCOMMODATION AND MODIFICATIONS

I. POLICY REFERENCES

UC-PPSM 43, Leave of Absence
UC-PPSM 44, Work-Incurred Illness and Injury
UC-PPSM 66, Medical Separation
UC-PPSM 81, Reasonable Accommodation

II. GENERAL

A. Definitions

“**Modifications**” are changes made to an employee’s working conditions to prevent workplace injury or that may be made to provide assistance for employees with temporary disabilities.

“**Reasonable Accommodations**” are provided for employees who have a permanent physical or mental impairment that substantially limits the person’s ability to perform a major life activity, if the employee can perform the essential functions of the job, with or without reasonable accommodation, and if he/she is otherwise qualified¹ to perform the job.

“**Modified Duty**” is available to employees who sustain a work-incurred injury or illness and are temporarily unable to perform their regular duties. Departments are also encouraged to provide temporary modified duty, as appropriate, to employees who sustain a non-work-incurred injury or illness and are temporarily unable to perform their regular duties.

Although Modifications and Reasonable Accommodations are based on different criteria, the resulting adjustment could take the same form under either type of request.

Examples of Modifications and Reasonable Accommodations include:

- Making facilities accessible
- Job restructuring (such as eliminating nonessential parts of a job, exchanging assignments with another employee, or redesigning procedures)
- Modifying or reducing the work schedule
- Purchasing or modifying work equipment
- Modifying employment examinations, training materials, or policies
- Providing readers or interpreters
- Reassigning an individual to a vacant, available position

B. Funding for Reasonable Accommodation

Generally, the department pays the cost of providing Modifications and Reasonable Accommodations. If the department cannot afford the cost, assistance may be available from the Division Head.

C. Reasonable Accommodation Not Required

¹ An applicant or employee is considered to be “otherwise qualified” for a position if he/she satisfies the skill, experience, and other job-related requirements of the position.

The University is not required to provide Reasonable Accommodation (1) where the accommodation is unreasonable or (2) where it would impose undue hardship on the University.

III. RESPONSIBILITY

The University of California shall provide Reasonable Accommodation for all known disabilities of a qualified individual with a disability (QID) and for disabilities of qualified injured worker (QIW). The decision to offer Reasonable Accommodation to a QID or QIW shall be made on a case-by-case basis after evaluation of the relevant facts. The Vocational Rehabilitation Counselor, in consultation with the Affirmative Action Officer, will assist in the evaluation of Reasonable Accommodation and Modification alternatives.

IV. VOCATIONAL REHABILITATION

UCOP Human Resources offers vocational rehabilitation services through its Vocational Rehabilitation Counselor. During the process of determining an appropriate Modification and/or Reasonable Accommodation, the Vocational Rehabilitation Counselor may:

1. conduct a job analysis to determine essential job functions;
2. determine, with information obtained from management and the employee, how the disability limits performance of the essential functions;
3. identify options;
4. propose appropriate Modifications or Reasonable Accommodations for the QID/QIW based on the relevant facts; and
5. submit findings to management.

V. PROCESS

- A. An employee who has a need for a Modification or Reasonable Accommodation to perform the essential functions of his or her position should inform the department head. The Department Head should ensure that the essential functions of jobs have been identified. The employee and/or the Department Head should request assistance from the Vocational Rehabilitation Counselor in UCOP Employee Assistance Programs.
- B. The employee may be required to provide medical documentation regarding his or her physical or mental functional limitations.
- C. In consultation with the employee, the Department Head evaluates Modification/Reasonable Accommodation options and assesses the effectiveness of each option in enabling the employee to perform the essential functions of the job. When appropriate, trial employment or a light duty assignment of up to 90 days may be considered. Extensions of up to an additional 90 days may be approved with the concurrence of UCOP Human Resources.
- D. For pregnancy disability, light duty shall be approved for the period of time that is supported by medical certification, regardless of length. Supervisors should consult with the Vocational Rehabilitation Counselor and the Manager, UCOP Benefit Services for assistance with various compensation options and documentation issues.
- E. If the Department Head and the employee cannot agree on a Modification or Reasonable Accommodation, the Department Head should consult with the Vocational Rehabilitation Counselor and the Affirmative Action Officer to determine whether a Modification or Reasonable Accommodation is feasible or whether other sources of funds are available.

- F. Before a request for Reasonable Accommodation is denied, the Affirmative Action Officer must approve the denial. The Department Head is required to provide written documentation to the Affirmative Action Officer of all Reasonable Accommodation requests that are granted.
- G. If the employee declines an appropriate Modification or Reasonable Accommodation, and, as a result, cannot perform the essential functions of the job, the employee may be medically separated. Such actions require the involvement of the Benefit Services Manager.

VI. INTERACTION WITH FAMILY AND MEDICAL LEAVE

An employee with a disability who is eligible for family and medical leave should be afforded his or her rights for leave or a reduced work schedule under the Family and Medical Leave Act. (See Staff Policy 43.C, Family and Medical Leave.)

VII. MEDICAL DOCUMENTATION

Refer to UC-PPSM 81 (Reasonable Accommodation), Section B.