

SAP 08.01.02.T0.02 Reasonable Workplace Accommodation



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Revised: December 15, 2014
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Procedure Summary

Tarleton State University (Tarleton or university) will provide equal opportunity to all employees, students, applicants for employment and admission, and the public who have disabilities. This standard administrative procedure (SAP) supplements System Regulation 08.01.02, *Civil Rights Protections for Individuals with Disabilities and Certain Other Employees*, (System Regulation 08.01.02) and provides guidance regarding reasonable workplace accommodations at Tarleton for qualified employees in complying with local, state and federal civil rights laws and regulations

Procedures and Responsibilities

1. GENERAL

- 1.1 The university must not discriminate against a qualified individual on the basis of disability in such matters as job application procedures; hiring, advancement or discharge practices; compensation; job training; or other terms, conditions and privileges of employment. Further, no individual must be excluded from participation in, or be denied the benefit of, or be subjected to discrimination based on disability under any university program or activity. In accordance with System Regulation 29.01.04, *Accessibility of Electronic and Information Resources*, the university's electronic and information resources must meet the appropriate Technical Accessibility Standards. Further, the university must provide reasonable accommodations to qualified individuals with a disability under the provisions of System Regulation 08.01.02. The university must also provide reasonable workplace accommodations for employees with sincerely held religious beliefs in accordance with the Texas Labor Code, and/or for employees who qualify under the Pregnancy Discrimination Act of 1978 and Section 7(r) of the Fair Labor Standards Act, if the requested accommodation does not constitute an undue hardship. The university must use the same process as outlined for ADA accommodation requests.
- 1.2 This SAP supplements System Regulation 08.01.02 and establishes the uniform procedure for employees to request accommodations in accordance with System Regulation 08.01.02.

2. RESPONSIBILITIES

- 2.1 In accordance with System Regulation 08.01.02, it is the responsibility of employees to inform the university that an accommodation is needed.
- 2.2 Employee Services is responsible for facilitating workplace accommodation requests which includes, but is not limited to, the following:
 - (a) receiving and confirming receipt of workplace accommodation requests;
 - (b) communicating with the employee regarding the workplace accommodation request process;
 - (c) reviewing the work place accommodation request and any supporting materials to determine if the individual has a disability as defined by the ADA;
 - (d) collaborate with the requesting employee's supervisor(s) to determine whether the accommodation request is reasonable, will enable the applicant/employee to meet the essential functions of the job, and if other accommodations are equally effective; and
 - (e) notifying the employee in writing of the determination.
- 2.3 The requesting employee's supervisor(s) will collaborate with Employee Services to determine whether the accommodation request is reasonable, will enable the applicant/employee to meet the essential functions of the job, and if other accommodations are equally effective.

3. PROCEDURES

- 3.1 An employee may request a workplace accommodation by notifying his/her immediate supervisor(s) and/or Employee Services as soon as practical.
- 3.2 Upon receipt of a request, an interactive process will be promptly initiated by a representative of Employee Services. During this process, the employee's job description will be reviewed and parties will discuss possible accommodations. Depending upon the nature of the request, the parties may approve the request with or without additional documentation. If additional documentation is needed, Employee Services will provide the appropriate forms to the employee for completion along with a copy of the job description.
- 3.3 In reviewing a request, the Employee Services representative and the supervisor(s) may consider available job resources such as the Job Accommodation Network, and/or, may seek advisement from the disability resources coordinator for students, the assistant vice president for university compliance and strategic initiatives, and/or the system director of equal opportunity and diversity.
- 3.4 Employee Services and the supervisor(s) will jointly decide the feasibility and applicability of a request. Requests requiring university funding over \$1,500 must have approval up through the appropriate vice president.
- 3.5 Employee Services will inform the employee in writing of the decision.

- 3.6 If an accommodation is implemented, Employee Services may annually confer with the employee and supervisor(s) to determine continuation or discontinuation of the accommodation. Documentation as to the continuing nature of the impairment may be required. The employee is responsible for notifying the supervisor or Employee Services of any changes.
- 3.7 Complaints alleging discrimination on the basis of eligibility for reasonable workplace accommodations as outlined in section 1 of this SAP will be handled in accordance with provisions of System Regulation 08.01.01, *Civil Rights Compliance*, and Tarleton Rule 08.01.01.T1, *Civil Rights Compliance*.
- 3.8 Tarleton will maintain the confidentiality of all medical and ADA information concerning employees. Records will be kept in Employee Services separate from personnel files, will be accessible only by authorized personnel and retained in accordance with state and federal laws, System Regulation 61.99.01, *Retention of State Records*, and Tarleton SAP 61.99.01.T0.01, *Records Management*.

Related Statutes, Policies or Requirements

[Fair Labor Standards Act, Section 7\(r\)](#)

[The Rehabilitation Act of 1973, as amended](#)

[American with Disabilities Act of 1990, as amended](#)

[The Genetic Information Nondiscrimination Act of 2008](#)

[The Pregnancy Discrimination Act of 1978, P.L. 95-555](#)

[Tex. Hum. Res. Code, Ch 121](#)

[Tex. Lab. Code, Ch. 21, Employment Discrimination](#)

[Fair Housing Act](#)

[Texas Fair Housing Act](#)

[System Policy 08.01, *Civil Rights Protections and Compliance*](#)

[System Regulation 08.01.01, *Civil Rights Compliance*](#)

[Tarleton Rule 08.01.01.T1, *Civil Rights Compliance*](#)

[System Regulation 29.01.04, *Accessibility of Electronic and Information Resources*](#)

[System Regulation 61.99.01, Retention of State Records](#)

[Tarleton SAP 61.99.01.T0.01, Records Management](#)

This procedure supersedes:

Tarleton SAP *08.01.01.T1.02, Reasonable Workplace Accommodation*

Contact Office

Employee Services
254.968.9128