PURPOSE

The purpose of this policy is to ensure non-discriminatory employment-related decisions and to provide (where necessary) Reasonable Accommodations to qualified individuals with disabilities.

POLICY STATEMENT

It is the policy of The University of Texas MD Anderson Cancer Center (MD Anderson) to:

- Prohibit discrimination in employment decisions and practices on the basis of disability.
- Make effective Reasonable Accommodations for qualified individuals with a disability, in accordance with the Americans with Disabilities Act Amendments Act.
- Prohibit retaliation against any faculty member or other member of MD Anderson's workforce as well as any applicant for employment who receives or requests a Reasonable Accommodation and/or anyone who has aided or encouraged others to request or receive a Reasonable Accommodation.

SCOPE

This policy applies to all applicants and all faculty and other members of MD Anderson’s workforce (except Educational Appointees), regardless of status or classification.

TARGET AUDIENCE

The target audience for this policy includes, but is not limited to, all faculty and other members of MD Anderson’s workforce, except for Educational Appointees.

DEFINITIONS

Direct Threat: A significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by Reasonable Accommodation. The determination that an individual poses a “direct threat” shall be based on an individualized assessment of the person's ability to safely perform the Essential Job Functions and shall be based on a reasonable medical judgment that relies on the most current medical knowledge and/or the best available objective evidence. In determining whether a person would pose a Direct Threat, the factors to be considered include:

- The duration of the risk,
• The nature and severity of the potential harm,
• The likelihood that the potential harm will occur, and
• The imminence of the potential harm.

Educational Appointee: An Educational Appointee holds a training-based appointment in an MD Anderson training or education program, with or without compensation, that has a specific begin and end date or contingencies. Educational Appointees differ from other MD Anderson employment-based positions such as classified employees, administrative staff, or faculty.

Essential Job Functions: The fundamental duties and/or other job-related aspects of a position that are critical to accomplishing the purpose for which the position was created.

Individual with a Disability: A person who:

• Has a physical or mental impairment that substantially limits one or more major life activities;
• Has a record of such an impairment; or
• Is regarded as having such impairment.

Qualified Individual with a Disability: A person with a disability who possesses the requisite skill, experience, education, and other job-related requirements and who can perform the Essential Job Functions with or without a Reasonable Accommodation.

Reasonable Accommodation: A modification to employment practice or work environment that enables a Qualified Individual with a Disability to perform the Essential Job Functions. A Reasonable Accommodation will be made unless the accommodation imposes an Undue Hardship on the operation of this institution.

Undue Hardship: A modification to an employment practice or the work environment that:

• Is unduly costly,
• Is extensive,
• Is substantial,
• Is disruptive,
• Would fundamentally alter the nature/operation of the business, and/or,
• Would pose a Direct Threat to the safety and health of the individual or others.

PROCEDURE

1.0 Accommodation Requests

1.1 Applicants may request an accommodation during the application process. Applicants requesting an accommodation should complete the Accommodation Request Form provided by Recruitment or the Leave Center.

1.2 Employees may request an accommodation for a disability from their manager, HR Generalist, or the Leave Center. Employees requesting an accommodation should complete the Accommodation Request Form.
1.3 Managers and the HR Generalist should refer the request for an accommodation to the Leave Center.

1.4 Medical information and documents may be required in order to process the request.

2.0 Reasonable Accommodation Request – Review and Determination

2.1 Accommodation requests will be reviewed by Human Resources. The Leave Center, in consultation with Employee Health & Well-being, will review the provided medical documentation to determine if the employee or applicant requesting the Reasonable Accommodation is a Qualified Individual with a Disability.

2.2 If it is determined that the employee or applicant is a Qualified Individual with a Disability, an interactive process shall begin to determine an effective accommodation.

2.3 If an employee is unable to work while the accommodation is being processed or implemented, the employee will utilize, if applicable, accrued Extended Illness Bank time, then Compensatory Time, Paid Time Off, Preserved Holiday Bank, Earned Holiday Bank leave, followed by Leave Without Pay.

2.4 The Leave Center or the EEO and HR Regulations Department will inform the employee or applicant of determinations regarding accommodations.
## ATTACHMENTS / LINKS

- Accommodation Request Form (Attachment # ATT1162).
- The Americans with Disabilities Act Amendments Act.

## RELATED POLICIES

None.

## JOINT COMMISSION STANDARDS / NATIONAL PATIENT SAFETY GOALS

None.

## OTHER RELATED ACCREDITATION / REGULATORY STANDARDS

None.

## REFERENCES

None.
POLICY APPROVAL

Approved With Revisions Date: 12/15/2015
Approved Without Revisions Date:
Implementation Date: 12/15/2015
Version: 20.0

RESPONSIBLE DEPARTMENT(S)

Human Resources