



## Reasonable Accommodation

<b>Responsible Official:</b>	Assistant Vice Chancellor and Chief Human Resources Officer
<b>Responsible Office:</b>	Human Resources – Benefits
<b>Issuance Date:</b>	5/1/2024
<b>Effective Date:</b>	5/1/2024
<b>Summary:</b>	This procedure addresses the process in which the university engages with employees to identify and implement Reasonable Accommodations that will enable employees to perform the essential functions of their position, and the process to ensure applicants are provided an equal opportunity for employment.
<b>Scope:</b>	All staff, academic, represented, and non-represented employees.  This procedure does not apply to employees requesting an adjustment based on a family member's medical condition or disability. In such cases, employees should consult with their supervisor on workplace adjustments. The supervisor can consult with Employee & Labor Relations and/or Academic Personnel.

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### I. REFERENCES AND RESOURCES

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#### UC Policy

- [Academic Personnel Manual](#)
- [UC Collective Bargaining Agreements and Contracts](#)
- [UC PPSM – 2.210: Absence from Work](#)
- [UC PPSM – 12: Nondiscrimination in Employment](#)
- [UC PPSM – 20: Recruitment](#)
- [UC PPSM – 66: Medical Separation](#)
- [UC PPSM – 70: Complaint Resolution](#)

- [UC PPSM – 81: Reasonable Accommodation](#)

#### UC Merced Procedures

- [UC Merced Transitional Return to Work Procedures](#)
- [UC Merced Medical Separation Procedures](#)

#### Resources

- [Human Resources - Benefits Website](#)
- [Ask Jan](#) - Free Service for Reviewing Accommodation Options
- eCourse: [Reasonable Accommodations and The Interactive Process](#)

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## II. PROCEDURE SUMMARY & SCOPE

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The University of California, Merced provides Reasonable Accommodation to otherwise qualified applicants and/or employees due to a disability (temporary/permanent) or religious belief. The interactive process shall be used to determine what, if any, Reasonable Accommodation will be made in accordance with the provisions of [UC PPSM – 81: Reasonable Accommodation](#), [APM – 711: Reasonable Accommodation for Academic Appointees with Disabilities](#), or [Contract Articles: Reasonable Accommodation](#).

For the university to evaluate the request for accommodation, additional information may be requested through the Interactive Process. The university will only seek information regarding Functional Limitations, including any work schedules that may identify an individual's request for leave of absence or limit the ability to perform Essential Functions.

Examples of Reasonable Accommodations for employees with a disability or who become disabled may include, but is not limited to:

- Making existing facilities readily accessible and usable.
- Restructuring the job to eliminate non-essential job functions.
- Granting a leave of absence or partial leave of absence.
- Modifying the employee's work schedule or work location.
- Acquiring or modifying equipment, devices, or software.
- Providing qualified readers or interpreters.
- Reassignment to an available alternative position for which the employee is qualified.

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### III. DEFINITIONS

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**Alternative Placement/Reassignment:** An employee who becomes disabled may be selected for an available position for which they qualify and can perform the essential functions of that position with or without limitations, whether or not the position has been publicized. Attempts for alternate placement/reassignment will be made before consideration of medical separation ([PPSM – 20: Recruitment](#) or [Contract Articles](#)).

**Appropriate Representative:** A specific person that is most suitable for the delivery or discussion. This may include Supervisor, Department Head, and/or Benefits Analyst.

**Disability:**

- A physical disorder or condition that limits a major life activity.
- A mental or psychological disorder or condition that limits a major life activity.
- A Medical Condition that is
  - a cancer-related physical or mental health impairment from a diagnosis, record or history of cancer.
  - a genetic characteristic that is known to be a cause of a disease or disorder that is associated with a statistically increased risk of development of a disease or disorder, though presently not associated with any disease or disorder symptoms.
- Any other condition recognized as a disability under applicable law.

**Essential Functions:** To be “essential”, the job function must meet at least one of the following criteria:

- Removing the function would fundamentally change the position.
- A limited number of employees are available to do the function, as determined via the Interactive Process.
- The functions performed are highly specialized, and the employee is hired based upon expertise.

**Functional Limitations:** A functional limitation is the inability to perform an action or a set of actions, either physical or mental, because of a physical or emotional restriction.

**Health Care Provider:**

- A medical or osteopathic doctor, physician, or surgeon, licensed in California or in another state or country, who directly treats or supervises the treatment of the applicant or employee; or
- A marriage and family therapist or acupuncturist, licensed in California or in another state or country, or any other persons who meet the definition of “others capable of providing health care services” under FMLA and its implementing regulations, including podiatrists, dentists, clinical psychologists, optometrists, chiropractors, nurse practitioners, nurse midwives, clinical social workers, physician assistants; or
- A Health Care Provider from whom an employer, other covered entity, or a group health plan's benefits manager will accept medical certification of the existence of a health condition to substantiate a claim for benefits.

**Interactive Process:** The Interactive Process is an ongoing dialogue among the employee, the employee’s supervisor, appropriate party and/or Benefits Analyst to determine Reasonable Accommodation. All steps must be timely, conducted in good faith and documented.

**Marginal Functions:** Functions that are not considered essential to a job. Tasks or assignments that are tangential and not as important.

**Medical Documentation:** Documentation provided by a licensed Health Care Provider that assists appropriate parties in understanding the scope of the employee’s Functional Limitations.

**Medical Separation:** An employee with a disability who is unable to perform the Essential Functions of their position with or without a Reasonable Accommodation may be medically separated after the university has engaged in the Interactive Process with an employee.

([UC PPSM – 66: Medical Separation](#) , [APM – 080: Medical Separation](#) or [Contract Articles: Medical Separation](#))

**Reasonable Accommodation:** A reasonable change or modification that enables a qualified individual with a disability or religious belief to perform the essential functions of the job, and that will not pose an undue hardship to the employer. These modifications enable an individual with a disability to have an equal opportunity to successfully perform their job tasks to the same extent as people without disabilities or religious beliefs. Examples of Reasonable Accommodations are described in [UC PPSM – 81: Reasonable Accommodation](#), [APM – 711: Reasonable Accommodation for Academic Appointees with Disabilities](#), or [Contract Articles: Reasonable Accommodation](#).

**Qualifying Condition:** A disability that limits a major life activity and/or condition(s) related to a disability (temporary/permanent), religion, workers compensation and/or similar legislation that limits an individual to perform the essential functions.

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#### **IV. PROCEDURES**

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1. An employee may initiate the Interactive Process by requesting a Reasonable Accommodation directly from their supervisor, by reaching out to the Benefits Analyst, and/or by providing documentation from a Health Care Provider listing any Functional Limitations. The employee may make the request orally or in writing, making the university aware of the need for an adjustment or change at work for a reason related to a Qualifying Condition.
2. The supervisor/employer may also initiate the Interactive Process. Examples of when an employer must start the process include, but are not limited to:
  - a. An employee informs their supervisor that they are having trouble performing their Essential Functions due to a Qualifying Condition.
  - b. An employee's supervisor learns that their employee cannot do a certain task or use a particular device on the job due to a Qualifying Condition.
  - c. An employee provides documentation from their Health Care Provider with Functional Limitations.
  - d. An employee informs their supervisor that their religious beliefs require a modification.
3. Once the university is informed, or becomes aware of the need for accommodation, the Appropriate Representative will coordinate the Interactive Process. Participants in the process may include the employee, the supervisor, Benefits Analyst, the employee's Health Care Provider(s), union representatives, and/or other Appropriate Representatives.
4. Through the Interactive Process, Functional Limitation(s) will be requested from the Health Care Provider and reviewed by the university to determine if any Reasonable Accommodations can be provided. Documentation regarding Functional Limitations may be subject to confirmation by a university appointed healthcare provider. The university shall pay the cost of an assessment by a university appointed healthcare provider.
5. The department will review the request with the Benefits Analyst and determine if temporary accommodation can be granted pending any further information and/or a final

determination if the requested accommodation is “reasonable”. The department can obtain assistance in identifying alternatives from the Benefits Analyst.

6. The Appropriate Representative then informs the employee whether the request for accommodation is temporarily approved, approved with modifications, and/or of any alternative solutions pending further review.
7. The Benefits Analyst analyzes the Essential Functions and Marginal Functions of the job, reviews any Functional Limitations and/or schedule of the employee, consults with the employee and supervisor regarding the request, and explores options. Examples of Reasonable Accommodations for employees with a disability or who become disabled may include, but is not limited to:
  - a. Making existing facilities readily accessible and usable.
  - b. Restructuring the job to eliminate non-essential job functions.
  - c. Granting a leave of absence or partial leave of absence.
  - d. Modifying the employee’s work schedule or work location.
  - e. Acquiring or modifying equipment, devices, or software.
  - f. Providing qualified readers or interpreters.
  - g. Reassignment to an available alternative position for which the employee is qualified.
8. After concluding a thorough Interactive Process, the Appropriate Representative will provide a final determination to the employee.
  - a. If Reasonable Accommodation can be provided, the supervisor and Benefits Analyst work together to complete the Reasonable Accommodation Agreement. The employee and supervisor then review the agreement and obtain necessary signatures. A completed copy of the agreement should be provided to the Benefits Analyst to ensure proper tracking and compliance reporting.
  - b. If Reasonable Accommodation cannot be provided for an employee to perform the essential functions, the Benefits Analyst determines the employee’s eligibility for alternative placement/reassignment to other positions as described in [UC PPSM – 81: Reasonable Accommodation](#), [APM – 711: Reasonable](#)

[Accommodation for Academic Appointees with Disabilities](#), or [Contract Articles](#) (Reasonable Accommodation), and as follows:

- i. The Benefits Analyst will work closely with the employee to review and evaluate suitable vacancies and qualifications.
  - ii. The Benefits Analyst will review vacancy listings and consult with the Talent Acquisition unit to evaluate the suitability of certain vacancies for qualified individuals.
  - iii. If a potentially suitable open and vacant position exists, the Benefits Analyst or the Talent Acquisition Manager will contact the hiring department. The Benefits Analyst and Talent Acquisition Manager will jointly make the determination whether the individual is minimally qualified and can perform the essential duties of the position, with or without Reasonable Accommodation.
  - iv. The hiring department meets with the individual for a qualifications review to confirm that they are minimally qualified for the position. This can occur before the publication of the vacancy or after the position closes.
  - v. If the hiring department confirms that the individual is minimally qualified, the hiring department coordinates with the Talent Acquisition Manager and Benefits Analyst to make an offer of employment.
- c. After concluding a search for an alternative placement/reassignment and if no positions are identified, an employee may be medically separated in reference of [UC PPSM - 66: Medical Separation](#), [APM 080 - Medical Separation](#), or [Contract Articles, Medical Separation](#).

*Staff, faculty, student employees and/or applicants for employment who believe they have been discriminated against due to a [protected category](#) may file a complaint with the Office for Prevention of Harassment and Discrimination (OPHD). Retaliation or harassment against a person who files a complaint of discrimination, participates in an investigation of such a complaint, or opposes an unlawful employment practice is prohibited. An employee who believes they have experienced retaliation may file a complaint with OPHD.*

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## **VI. RESPONSIBILITIES**

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### **A. EMPLOYEE**

1. Initiate accommodation process.
2. Engage in the Interactive Process in good faith.
3. Provide Medical Documentation to assist in understanding the scope of the employee's Functional Limitations in a timely manner.
4. Submit to examination by a university-appointed, licensed Health Care Provider, when necessary.

### **B. SUPERVISOR**

1. If an employee's supervisor becomes aware that a Qualifying Condition may be affecting the employee's ability to perform the Essential Functions of their job, they must:
  - a. Initiate Interactive Process
  - b. Notify Benefits Analyst
2. Engage with the employee in good faith in exploring Reasonable Accommodations.
3. Determine if temporary accommodation can be granted pending any further information and/or a final determination if the requested accommodation is "reasonable".
4. Notify Benefits Analyst of any Reasonable Accommodations agreed to or any other conclusion of the process.

### **C. BENEFITS ANALYST**

1. Provide guidance surrounding the Interactive Process and/or policies, procedures, and legal obligations.
2. When necessary, lead the Interactive Process.
3. When necessary, facilitate the Interactive Process.
4. The Benefits Analyst analyzes the Essential Functions and Marginal Functions of the job, reviews any Functional Limitations and/or schedule of the employee, consults with the employee and supervisor regarding the request, and explores options.



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**VII. REVISION HISTORY**

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<b>Date</b>	<b>Action/Summary of Changes</b>
5/1/2024	Reissued after substantive revisions made to procedure
8/1/2013	Original procedure issued

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**APPENDICES**

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**APPENDIX 1: DOCUMENTATION OF REASONABLE ACCOMMODATION**

**DOCUMENTATION OF REASONABLE ACCOMMODATION**

At UC Merced, managers and supervisors are encouraged to work directly with their employees to provide Reasonable Accommodation for anyone requesting such for performance of their essential functions. If you have questions or concerns, please contact a Benefits Analyst at [benefits@ucmerced.edu](mailto:benefits@ucmerced.edu) or <PHONE> for assistance.

**All medical information is to be maintained as a confidential record that is separate from personnel files.**

EMPLOYEE NAME:

\_\_\_\_\_

POSITION TITLE:

\_\_\_\_\_

DEPARTMENT:

\_\_\_\_\_

FUNCTIONAL LIMITATIONS/RESTRICTIONS PER THE HEALTH CARE PROVIDER (if medically related):

FUNCTIONAL LIMITATIONS/RESTRICTIONS ARE (check one and enter duration if temporary):

TEMPORARY  Starting:  Expiring:

PERMANENT

EMPLOYEE’S REQUESTED ACCOMMODATION(S) (attach additional sheets if necessary):

AGREED UPON ACCOMMODATIONS – Provide details regarding duration, cost, specifics of the accommodation itself, etc. (attach additional sheets if necessary):

\_\_\_\_\_

Employee Signature

\_\_\_\_\_

Date

\_\_\_\_\_

Supervisor Signature

\_\_\_\_\_

Date

\*By signing this, all parties agree on the above accommodation(s) as a Reasonable Accommodation. This accommodation may be periodically reviewed for reasonableness. If unable to obtain signature, attach an email indicating the agreed upon accommodation.