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 Shared Services  
 CHRO & Exec Dir  
 Employee  
 Policy Area Human  
 Resources  
 Applicability UNCHCS -  
 CAL,CHA,JOH,MC,NCH,PN,REX

## Reasonable Accommodation / ADA

### Applicability:

This policy applies to the following entities (collectively referred to as "**UNC Health**" in this policy) (**Bold indicates an owned entity**):

Appalachian Regional Healthcare System	Onslow Memorial Hospital / Onslow Ambulatory Services
Blue Ridge HealthCare System	✓ <b>Rex Healthcare / Rex Hospital</b>
✓ <b>Caldwell Memorial Hospital</b>	Southeastern Regional Medical Center
✓ <b>Chatham Hospital</b>	✓ <b>UNC Health Care System / UNC Medical Center*</b>
✓ Johnston Health	✓ <b>UNC Physicians Network</b>
Lenoir Memorial Hospital	✓ <b>UNC Physicians Network Group Practices / UNC Physicians Group Practices II</b>
Margaret R. Pardee Memorial Hospital	✓ <b>UNC Rockingham Health Care / UNC Rockingham Hospital</b>
Nash Healthcare System/Nash Hospitals	Wayne Memorial Hospital
✓ <b>North Chapel Hill Surgery Center</b>	

**\*UNC Medical Center includes all UNC Hospitals' facilities and the clinical patient care programs of the School of Medicine of UNC-Chapel Hill (including UNC Faculty Physicians).**

# I. Description

UNC Health is committed to equal opportunity in all aspects of employment for Qualified Individuals with a Disability. In accordance with the Americans with Disabilities Act (as amended by the ADA Amendments Act of 2008) (collectively referred to as the ADA), Pregnant Workers Fairness Act (PWFA), and other federal and state laws, it is the policy of UNC Health to provide Reasonable Accommodations to applicants in the application process and to teammates who are qualified for a job, with or without Reasonable Accommodations, so that they may perform the essential duties of that job and access to all benefits and privileges of employment that are available to similarly situated employees without disabilities. The purpose of this policy is to assist supervisors, teammates, and applicants for employment in requesting and processing Reasonable Accommodation requests.

<p><b>Medical Residents and Fellows and Dental Residents appointed through the GME Office</b> <b>NOTE: are not covered by this policy.</b> See <a href="#">University of North Carolina Hospitals Graduate Medical Education Policy on Accommodation of Residents with Disabilities</a>.</p>
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UNC Health is not required to make an accommodation that would impose an Undue Hardship on the operation of UNC Health's business or that would remove an essential function of a teammate's position. If teammates cannot be accommodated in their *current* position, UNC Health will review the possibility of reassigning teammates to another vacant position for which the teammates are qualified.

Where any entity or departmental policies are in conflict with the system policy, then the system policy will prevail.

## II. Definitions

### A. Disability

A physical or mental impairment that substantially limits one or more Major Life Activities of the individual, a record of such an impairment, or being regarded as having such an impairment.

### B. Major Life Activities

Major life activities include caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.

A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

### C. Substantially Limiting

An impairment is *Substantially Limiting* if it limits the ability of an individual to perform a major life activity as compared to most people in the general population. The determination of whether an impairment substantially limits a major life activity requires an individualized assessment, and an

impairment that is episodic or in remission may also meet the definition of Disability if it would substantially limit a major life activity when active. Some examples of these types of impairments may include epilepsy, hypertension, asthma, diabetes, major depressive disorder, bipolar disorder, and schizophrenia.

## **D. 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” is based on an individualized assessment of the individual's present ability to safely perform the Essential Functions of the Job. This assessment is based on a reasonable medical judgment that relies on the most current medical knowledge and/or on the best available objective evidence. In determining whether an individual 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.

## **E. Qualified Individual**

An individual who, with or without Reasonable Accommodation, can perform the Essential Functions of the Job in question.

## **F. Reasonable Accommodation**

A modification or adjustment to a job application process that enables a qualified applicant with a Disability to be considered for the position such qualified applicant desires; or modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed that enable an individual with a Disability who is qualified to perform the essential functions of the position and to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees without disabilities.

**Reasonable Accommodations may include, but are not limited to:**

- making existing facilities readily accessible to and usable by persons with disabilities;
- allowing teammates to bring their service animals into the workplace in accordance with the policies and procedures of the specific entity, facility and/or department;
- job restructuring and/or modifying work schedules;
- acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, or policies, and providing qualified readers or interpreters;
- reassignment to a qualified vacant position; or
- allowing leave as an accommodation.

If you work or a teammate you supervise works remotely from Iowa, New Hampshire, Ohio, or Pittsburgh, Pennsylvania, please see [Table 1 - State Supplements](#) for additional requirements.

UNC Health is not obligated to and will not provide personal use items needed in accomplishing daily activities (e.g., eyeglasses, hearing aids, prosthetic limbs, or a wheelchair).

## G. Undue Hardship

An action requiring significant difficulty or expense when considered in light of factors such as an employer's size, financial resources, and the nature and structure of its operation.

## H. Essential Functions of the Job

Essential Functions of the Job are those fundamental job duties as determined by the employer to be essential or core to performing the job. These are the fundamental duties of the position or the primary reasons the position exists.

UNC Health is not required to eliminate an essential function from the position, or to lower quality, performance, health, or medical standards to make an accommodation, as long as those standards are applied uniformly to teammates with or without a Disability. UNC Health is not required to create a new position to accommodate a teammate. UNC Health makes a determination as to whether a job function is "essential" on a case-by-case basis.

**Some of the factors used in determining whether a Job Function is Essential are:**

- whether the reason the position exists is to perform that function;
- the amount of time spent on the job performing the function;
- the consequences of not requiring the incumbent to perform the function; and
- the degree of expertise or skill required to perform the function.

## III. Policy

UNC Health is committed to complying with all applicable provisions of the ADA. It is UNC Health's policy not to discriminate against any applicant or qualified teammate with regard to any terms or conditions of employment because of such individual's Disability or perceived Disability so long as the individual can safely perform the Essential Functions of the Job with or without an accommodation. (See [Equal Employment Opportunity and Affirmative Action \(EEO/AA\)](#) policy for additional information.)

In accordance with the provisions of the PWF, UNC Health will provide reasonable accommodations to workers with known limitations related to pregnancy, childbirth, or related medical conditions unless the accommodation will cause the employer an Undue Hardship.

Consistent with this policy of nondiscrimination, UNC Health will provide Reasonable Accommodations to individuals with disabilities, as defined by the ADA and known limitations as defined by the PWF, who have made UNC Health aware of their Disability and need for accommodation, up to and including job reassignment of current teammates, provided that such accommodation does not constitute an Undue Hardship on UNC Health.

UNC Health encourages individuals with disabilities to come forward and request Reasonable Accommodation.

UNC Health prohibits retaliation against an individual who requests an accommodation in good faith.

## IV. Process / Roles and Responsibilities

### A. Accommodation Request Process

#### 1. Teammates and Applicants

**Teammates** who are having (or anticipate having) difficulty with some aspect of their job duties or accessing benefits and privileges of employment due to a physical or mental Disability are encouraged to inform their employer.

**Applicants** who are having (or anticipate having) difficulty with some aspect of the job application process due to a physical or mental Disability are encouraged to inform their recruiter.

**Applicants** who have been offered a position and anticipate having difficulty performing some aspect of the job they have been offered or accessing benefits and privileges of employment due to a physical or mental Disability are encouraged to inform their recruiter or the hiring manager.

#### Making an accommodation request

- Individuals may use "plain English" (e.g., adjustment or change) and do not need to mention the ADA or use the phrase "Reasonable Accommodation" when making their request.
- While the initial request for accommodation does not need to be in writing, it is strongly recommended for documentation and tracking purposes.
- Current teammate requests may be made to a manager/supervisor, an HR Business Partner (HRBP), or to Employee Relations directly via the [myHR Portal](#).
- Teammates are expected to work with HR/Employee Relations to provide requested information and complete any required forms by the due date.
- Teammates are responsible for all requests for information from and communication with their health care providers.

#### 2. Employee Relations

- Employee Relations will receive requests for accommodation(s) which fall into 2 basic groups:
  1. Simple requests that are unlikely to require statements from physicians (e.g., larger monitor for low vision, headset for hearing difficulties) will be reviewed and either approved or moved to group 2.

2. Requests that do require a statement from a physician – the following required forms will be provided to Teammates/Applicants:
  - Teammate's job description
  - Teammate's accommodation request
  - Teammate's authorization for release of protected health information
  - Physician statement for accommodation
- Employee Relations will work to address accommodation requests within a reasonable time.

### **3. Supervisor, Talent Acquisition (TA) or other Recipient of Teammate's Request (Employer)**

- The supervisor/employer is responsible for recognizing when a teammate makes a request. Any time teammates indicate that they are having a problem and the problem is related to a medical condition, the employer should consider whether the teammate is making a request for an accommodation under the ADA. When in doubt, the supervisor should ask, "How can I help you?"
- The supervisor/employer should not assume any particular accommodation is needed by a teammate and should not take actions to make accommodations without engaging with the teammate in an interactive process as described in Sections B and C below.
- If a teammate with a known Disability is having difficulty performing the job (even with accommodations) and the teammate has indicated the performance problem(s) may be related to a Disability, the supervisor should inquire whether the teammate is in need of a Reasonable Accommodation.
- The supervisor/employer should direct teammates to submit a request to Employee Relations via the [myHR Portal](#) describing that they are seeking an accommodation, or the supervisor can open a case in the HR Portal on the teammate's behalf.
- Talent Acquisition teammates who receive requests for accommodations should contact Employee Relations on behalf of the applicant/candidate.

## **B. Assessment Process**

### **1. Teammate**

- Work with Employee Relations to provide any additional requested information and complete all required forms by the due date. Teammates should not share medical information with their supervisor, including any forms completed by their physician.
- Meet with Employee Relations to discuss the specific job limitations imposed by the teammate's Disability and how those limitations could be overcome with

- one or more Reasonable Accommodations.
- Remain engaged in the interactive process with Employee Relations while a determination is being made.
- NOTE: If a teammate fails to respond to requests for information in a timely manner, Employee Relations may close the accommodation request.

## 2. Employee Relations

- Determine whether the
  - teammate fits the definition of a *Qualified Individual*\*
  - teammate's condition qualifies as a *Disability*\* under the ADA definition
  - teammate is requesting a *Reasonable Accommodation*\*
  - request does not cause *Undue Hardship*\* to UNC Health
  - teammate's ability to safely perform the essential job functions with Reasonable Accommodation does not pose a *Direct Threat*\* to health and safety of the teammate or others in the workplace

\* See [Section II. Definitions](#) for additional information

- Meet and consult with the teammate to ascertain the precise job-related limitations imposed by the individual's Disability and how those limitations could be overcome with a Reasonable Accommodation.
- Explain the interactive process to the teammate and address any privacy concerns related to the request, for example, what information is shared with the supervisor.
- Meet with the teammate's supervisor to let the supervisor know about the teammate's request and to discuss the ability to implement the requested accommodation.

## 3. Supervisor

- Meet with Employee Relations to understand the teammate's request and discuss the ability to implement the requested accommodation.
- Provide Employee Relations with a copy of the teammate's job description, if needed.
- Note: Employee Relations will share the minimum amount of information necessary about the teammate's condition and the teammate should not be asked to provide specific information about the teammate's Disability to the supervisor.

## C. Accommodation Process

### 1. Teammate

Work with Employee Relations to provide any additional requested information by the due date.

### 2. Employee Relations

- Accesses the teammate's request for accommodation. Clarify with the teammate's medical provider as needed.
- Meet with the teammate to ensure details of the request are aligned with the job responsibilities.
- Meet with the teammate's supervisor to determine if the request can be granted.
- If request is approved, send letter to the teammate and supervisor, outlining the request, the accommodations that have been approved and when they will take effect.
- If request is not approved, continue the interactive process to determine if any other Reasonable Accommodations can be provided.
- If no accommodations can be provided, send the teammate a letter explaining why the accommodation was denied and proceed with the Reassignment Process below.

### 3. Supervisor

- Review the accommodation request and work restrictions.
- Work with Employee Relations to determine if accommodation request can be granted.
- If request is granted, work with the teammate so the teammate understands the accommodation(s) being granted.
- If the request is not approved, work with Employee Relations and the teammate to consider approval of alternative accommodations.
- If no accommodations can be made, provide the reasons in writing to Employee Relations.

## D. Reassignment Process

### 1. Teammate

Teammates whose disabilities cannot be accommodated within their current positions may be provided a 30 calendar day period to explore other internal vacancies for which they are qualified.



Teammates who are currently on a Final Written Warning are ineligible to transfer to a different position (see [Transfers, Promotions, Demotions \(Internal Movement\)](#) policy for additional information).

The teammate should identify three to five (3-5) available positions, where the teammate meets the minimal qualifications and provide the information to the Talent Acquisition (TA) Placement Coordinator or other designated person.

## 2. Employee Relations

- Contact the TA Placement Coordinator to provide notice of the new reassignment and find out who will be the designated TA teammate assigned to this case.
- Send a letter or email to the teammate, copying the designated TA teammate assigned to the case, denying the requested accommodation, and informing the teammate that the designated TA teammate will proceed with potential reassignment to a vacant position if the teammate cannot perform their current position with or without accommodation.
- Work with supervisor to place the teammate on an unpaid leave for 30 calendar days to explore reassignment. Active teammates may use accrued PTO/leave during the reassignment period.
- Provide guidance and consultation to the designated TA teammate during the reassignment process.

## 3. HR Business Partner (HRBP)

Work with the designated TA teammate, when necessary to facilitate reassignment.

## 4. Hiring Manager

A meeting will be scheduled for the hiring manager and teammate. This is not an interview, but an opportunity for the hiring manager to explain all parts of the role, for the teammate to learn all aspects of the role, and to ensure the hiring manager is fully aware of the teammate's skills and abilities, and have questions answered.

If the teammate meets the qualifications and work restrictions are not an issue, the qualified teammate will be placed into the vacant position without going through the competitive hiring process.

Managers who believe they are unable to accommodate the qualified teammate in their department may submit their objections outlining why the placement will constitute an Undue Hardship in writing to Talent Acquisition **within 7 calendar days** of being notified of the impending placement. The objection will be reviewed by the Executive Director of Recruitment, the Executive Director of Employee Relations, and the relevant Entity CHRO (or their designees) and a written response will be sent to the manager **within 7 calendar days** of receiving the written objection. The decision of the reviewers will be final.

## 5. Talent Acquisition

- Communicate any concerns regarding the positions the teammate applied for, for example, if it is not clear that the teammate meets the minimum qualifications or if the designated TA teammate is aware that the position cannot accommodate the teammate's current restrictions.
- Inform teammates that they have 30 calendar days to explore reassignment. If the teammate has been engaged in the reassignment process and additional time is needed, Talent Acquisition (TA) may determine it's appropriate to extend the leave for up to another 30 days (maximum total of 60 calendar days). If the reassignment period is extended, TA will inform the teammate and advise the current manager to update the leave period in Manager Self Service (MSS).
- Ensure the hiring manager is aware that the teammate is not going through the competitive process. If the teammate meets the qualifications and the work restrictions are not an issue, the teammate should be assigned to the vacant position.
- If the hiring manager submits a written objection regarding the placement of the teammate, immediately forward that to the Executive Director of Recruitment for review. [See information above.](#)
- Set up a meeting between the hiring manager and the teammate.  
**NOTE:** This is not an interview, but an opportunity for the hiring manager to explain all parts of the role, for the teammate to learn all aspects of the role, and to ensure the hiring manager is fully aware of the teammate's skills and abilities, and have questions answered.
- Send written communication of the outcome of the reassignment to the teammate, and open an Employee Relations case through the [myHR Portal](#), requesting that a copy of the letter be placed in the teammate's personnel file.

## V. Related Policies

- [Attendance](#)
- [Breaks and Hours Worked](#)
- [Disruptive and Inappropriate Health Care Team Member Behavior](#)
- [Equal Employment Opportunity and Affirmative Action \(EEO/AA\)](#)
- [Fit for Duty](#)
- [Harassment-Free Workplace](#)
- [Leaves of Absence](#)
- [Management Rights](#)
- [Office Ergonomics Program](#)
- [Transfers, Promotions, Demotions \(Internal Movement\)](#)
- [University of North Carolina Hospitals Graduate Medical Education Policy on Accommodation](#)

## VI. Appendix

### A. Table 1 - State Supplements

For teammates who work remotely (or are applying to a job that will be fully remote) in one of the following states, these policy supplements apply:

STATE	Re Policy Section	Applicable State Law Requirement
Iowa	<a href="#">II. F. Reasonable Accommodation</a>	<p>Employees are entitled to an unpaid leave of absence for the period that the employee is disabled due to pregnancy, childbirth or related medical conditions or for up to eight (8) weeks, whichever is less. Employer may require verification of disability. Timely notice of leave is required. Leave may run concurrently with other leave provided by the employer. Employees may substitute accrued paid time off during unpaid leave under this policy, but this substitution does not extend the length of the leave.</p> <p>Please see section III. D. Personal Leave of the <a href="#">Leaves of Absence</a> policy for additional information.</p>
New Hampshire	<a href="#">II. F. Reasonable Accommodation</a>	<p>Employees are eligible to take an unpaid leave of absence for the period of temporary physical disability resulting from pregnancy, childbirth, or related medical conditions. A maternity leave begins when an employee is medically determined to be disabled and ends when the employee is medically determined to be able to return to work.</p> <p>Please see section III. D. Personal Leave of the <a href="#">Leaves of Absence</a> policy for additional information.</p>
Ohio	<a href="#">II. F. Reasonable Accommodation</a>	<p>Female employees working in Ohio are entitled to a reasonable leave of absence for pregnancy, childbirth, and related medical conditions upon hire.</p> <p>Generally, twelve (12) workweeks will be considered “reasonable” leave, but deviations must be considered on a case-by-case basis, taking into account the employee’s need as well as the employer’s legitimate operational needs.</p> <p>Please see section III. D. Personal Leave of the <a href="#">Leaves of Absence</a> policy for additional information.</p>
Pennsylvania Pittsburgh only	<a href="#">II. F. Reasonable Accommodation</a>	<p>An employer must try to reasonably accommodate an employee who is the partner of a person who is pregnant or affected by a related medical condition in order to allow the employee to perform the essential duties of their job unless doing so must impose an undue hardship on the employer’s business. Partner is broadly defined as “a person of any gender with whom a pregnant person or person with a related medical condition has a relationship of mutual emotional and/or</p>

STATE	Re Policy Section	Applicable State Law Requirement
		physical support and does not require a marital or domestic relationship.”

## Approval Signatures

Step Description	Approver	Date
	Scott Doak: Chief Human Resources Officer	03/2024
SYSTEM Site Administrator	Emilie Hendee: Assoc General Counsel - Employment & HR	03/2024
	Bertha Carter: Shared Services CHRO & Exec Dir Employee Relations	02/2024

## Applicability

Caldwell Memorial Hospital, Chatham Hospital, Johnston Health, UNC Health Care System, UNC Health North Chapel Hill Surgery Center, UNC Medical Center, UNC Physicians Network, UNC Rex Healthcare, UNC Rockingham Health Care