



**CAPITAL DISTRICT PHYSICIANS' HEALTH PLAN, INC.**  
**Corporate Policies**

Policy Name: Reasonable Accommodation Policy	Control Number: 1140/10.000112	
Implemented by: Human Capital Management	Responsible: HCM	Effective Date: December 30, 2015

**OBJECTIVE/ DESCRIPTION:**

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADA AA) are federal laws that require employers with 15 or more employees to prohibit discrimination against applicants and individuals with 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 an impairment (a qualifying disability) and, when needed, to provide reasonable accommodations to such applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential duties of that job.

It is the policy of CDPHP (“the company”) to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is the company policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

**POLICY:**

This policy provides guidelines and procedures for employees and candidates for employment who are requesting an accommodation due to a qualifying disability as defined by the Americans with Disabilities Act “ADA” as amended, “ADA AA” and the Rehabilitation Act of 1973, as amended “Rehabilitation Act.”

CDPHP will make reasonable accommodations whenever necessary for all qualified employees or candidates for employment with disabilities (as defined by applicable law), provided that (1) the individual is otherwise qualified to safely perform the essential functions of the job and (2) such accommodations do not impose undue hardship on the company. Where a job or work assignment is subject to health or medical standards required for assignments, this policy does not require employment of an employee or candidate who cannot satisfy those standards.

**I. Process for Requesting A Reasonable Accommodation**

**A. Employees**

If an employee has a disability that requires an accommodation in order to perform the essential functions of his or her job, he or she must initiate a request for accommodation by contacting the



Human Capital Management (HCM) department and identify an adjustment or change at work that is needed because of a disability.

## **B. Applicants**

### Pre-Interview

An applicant must advise CDPHP as soon as he/she realizes that he/she may need a reasonable accommodation for some aspect of the hiring process and must initiate a request for accommodation by contacting the HCM department and identify an adjustment or change that is needed because of a disability. If the individual's disability and need for accommodation are not obvious, CDPHP may ask for reasonable documentation explaining the disability and why an accommodation is needed. The employer may need to discuss your request more fully in order to understand your disability and why you need an accommodation. Candidates must respond to CDPHP's questions promptly and be sure to explain how a proposed accommodation would enable full participation in all aspects of the application/interviewing process.

### Post-Interview

CDPHP does not require an applicant to disclose on an application form or in an interview whether the applicant would need a reasonable accommodation to perform a job. An individual who has been offered employment and has a disability that interferes with the ability to perform the essential job functions or otherwise enjoy the benefits and privileges of employment that are available to other similarly situated employees without disabilities, and who desire an accommodation, should inform CDPHP of that desire after the job offer and must then follow the process set forth in this policy, including that the individual must engage in the interactive process.

## **II. Once an Accommodation is Requested – Employee and Candidate's Post-Offer Participation in the Interactive Process.**

An individual with a disability that interferes with his/her ability to perform the essential job functions or otherwise enjoy the benefits and privileges of employment that are available to other similarly situated employees without disabilities, and who desire an accommodation, must follow the process set forth in this policy. The individual must engage in an interactive dialog, or *interactive process*, to identify whether the individual has a qualifying disability and an accommodation that will allow the individual to perform his/her essential job functions or otherwise enjoy the benefits and privileges of employment that are available to other similarly situated employees without disabilities or perform the essential functions of the job.

An individual (existing employee or candidate in the post-offer period) who requests an accommodation has the responsibility to submit all required documentation on a timely basis and to remain engaged in the interactive process with the company while a determination is being made. HCM will provide the individual with a form requesting medical certification from the individual's



health care provider in an effort to determine whether the physical or mental impairment is a qualifying disability under the ADA and/or to assist in determining what accommodation(s) may be available and appropriate. It will be the responsibility of the individual to obtain this completed form from his/her health care provider(s) within 15 days of the CDPHP's request. It is the individual's further responsibility to work with his or her supervisor/manager (for existing employees), HCM, and a qualified health care professional to review and complete all forms required. Failure by the individual to supply CDPHP with all relevant and requested information or to otherwise meaningfully cooperate in the interactive process may result in the company's denial of the accommodation or delay in the process.

HCM will review the completed Request for Accommodation Forms received from the individual and/or the individual's health care provider. If the information provided is incomplete or requires further clarification, HCM may request additional information from the individual or his/her health care provider. Communication with the health care provider will be the responsibility of the individual.

### **III. Determination**

If, based on medical and other information provided by the individual and/or his or her health care provider, the individual is determined to be a qualified individual with a disability, HCM will notify the individual and his/her manager, as appropriate.

HCM will work with the individual and the department manager to identify and discuss reasonable accommodations that will enable the individual to perform the essential functions of the job or to participate in the same benefits and privileges of employment enjoyed by similarly situated individuals without disabilities.

In instances where there is no reasonable accommodation that enables the individual to perform the essential functions of the job, including (for existing employees) unpaid leave and assignment to a vacant position, employment may need to be terminated and/or an offer withdrawn.