

Reasonable Accommodation Policy

Policy Number: A20150714056
Effective Date: 7/14/2015
Sponsoring Department: Human Resources
Impacted Department(s): Independent Health, its subsidiaries and affiliated organizations

Type of Policy: Internal External

Data Classification: Confidential Restricted Public

Applies to (Line of Business):

- Corporate (All)
- State Products, if yes which plan(s): MediSource; MediSource Connect; Child Health Plus; Essential Plan
- Medicare, if yes, which plan(s): MAPD; PDP
- Commercial, if yes, which type: Large Group; Small Group; Individual

Excluded Products within the Selected Lines of Business (LOB)

none

Applicable to Vendors? Yes No

Purpose and Applicability:

To outline the policy for all associates and applicants at Independent Health Association, its subsidiaries and affiliated organizations who are requesting an accommodation due to a qualifying disability as defined by the Americans with Disabilities Act (ADA) as amended, Americans with Disabilities Act Amendment Act (ADAAA), the Rehabilitation Act of 1973, as amended (Rehabilitation Act) and the New York State Executive Law Article 15 Human Rights Law (NYSRL).

Policy:

Independent Health Association, its subsidiaries and affiliated organizations are committed to complying 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) Further Independent Health Association, its subsidiaries and affiliated organizations (hereinafter “the Company”) do not discriminate against and are committed to providing equal employment opportunities to otherwise **qualified individuals** with known disabilities in regard to its applications procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment

Reasonable accommodations will be provided for qualified individuals with **disabilities** when needed to perform the essential functions of the job, to gain access to the workplace, to enjoy equal access to benefits and privileges of employment, or to have an equal opportunity to compete for a job, unless doing so would provide an **undue hardship** on the company. Accommodations will also be provided for based on individuals’ sincerely held religious beliefs or for an individual’s status as a **victim of domestic violence**, unless the accommodation would impose an undue hardship.

Accommodations for Pregnant Workers

The company will provide reasonable accommodations in accordance with the federal Pregnant Workers Fairness Act (PWFA) and any applicable state laws for **pregnancy-related medical conditions** and lactation. Under the PWFA reasonable accommodations will be provided to qualified individuals with **known limitations** related to pregnancy, childbirth, or related medical conditions unless the accommodation would impose an undue hardship on the operations of the business.

Process for Requesting a Reasonable Accommodation

An applicant for employment in need of an accommodation to participate in the application and recruitment process should submit their request in writing to Human Resources at the contact information listed below. If a new hire is in need of a reasonable accommodation, they should initiate their request during their on-boarding process to ensure adequate time for the process prior to the start of their employment.

If an associate requires a reasonable accommodation in order to perform the essential functions of their job, they must initiate a request for an accommodation by contacting their Human Resources Business Partner or submitting a request to HR@independenthealth.com and identify an adjustment or change at work that is needed because of a disability.

An associate in need of a leave of absence, including an extension of leave of absence due to a disability, should contact Sunlife.

This is the first step in the interactive process and Human Resources (HR) will coordinate with the individual to obtain information through the Request for Accommodation as to: the nature of the qualifying disability, a description of the nature of the limitations and what life activity(s) is substantially limited and a description of what accommodation(s) would enable the individual to perform the essential functions of the job effectively.

The associate may be required to provide medical verification of impairment from their medical provider in an effort to determine whether the medical condition is a qualifying disability under the ADA and/or to assist in determining what accommodation(s) may be available and appropriate. The associate will receive the Request for Medical Verification Information to provide to their medical provider to be returned to the Associate Service Center within 15 days of the request. If the information provided is incomplete or requires further clarification, Human Resources (HR) may request additional information from the associate or their health care provider. Communication with the health care provider will be the responsibility of the associate. All medical information received from the associate shall be kept confidential and only shared on a minimum necessary basis.

Determination

If based on medical and other information provided by the associate and/or their health care provider, the associate is determined to be a qualified individual with a disability, Human Resources (HR) will notify the associate and their manager.

Each associate will be notified in writing whether the accommodation has been granted, denied, or if additional information is needed to make a determination. As part of the interactive process for identifying a reasonable accommodation, the Human Resources (HR) business partner or generalist shall work in consultation with the associate and the associate's supervisor to identify and discuss reasonable accommodation(s) that will enable the associate to perform the essential functions of the job or to participate in the same benefits and privileges of employment enjoyed by similarly situated associates without disabilities. For accommodation requests involving ergonomic assessments, modifications to the workspace or adaptive equipment, Human Resources (HR) will engage the Facilities Department in this process.

In granting an accommodation, Independent Health, its subsidiary or affiliated organization has the right to offer an alternative accommodation that is determined to be less expensive or easier to provide as long as the alternative is effective. Individuals shall also be notified of the duration of the accommodation and the accommodation will be evaluated periodically to ensure it is feasible for the individual and the department.

In instances where there is no reasonable accommodation that enables the associate to perform the essential functions of the job, including unpaid leave and assignment to a vacant position, employment may need to be terminated.

Any individual who is denied an accommodation may seek review of the determination by submitting a request within 30 days of the determination to the EVP, Chief Human Resources Officer.

Responsibilities for Qualified Individuals under this Policy

Qualified individuals (associates or applicants) with a disability that interferes with their ability to apply for a job, perform their essential job functions or otherwise enjoy the benefits and privileges of employment that are available to other similarly situated associates without disabilities, and who desire

an accommodation must follow the process set forth above. The individual who requests an accommodation has the responsibility to submit all required documentation on a timely basis and remain engaged in the interactive process with the Company while a determination is being made.

It is the individual's responsibility to work with their manager, Human Resources, and a qualified health care professional (when necessary) to review and complete all forms required. Failure by the individual to supply the company with all relevant and requested medical 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.

Independent Health, its subsidiaries and affiliated organizations will not tolerate retaliatory action of any kind, taken by a supervisor or associate against an associate who has followed Independent Health's policy and procedure to request a reasonable accommodation.

Human Resources Contact information:

Any requests for an accommodation whether you are an associate or applicant for employment, may be submitted in writing to either: HR@independenthealth.com or to Human Resources, Independent Health, 511 Farber Lakes Drive, Williamsville, New York 14221 and we will ensure your request is directed to the correct person to assist you.

Definitions

Disability means a physical or mental impairment that substantially limits one or more major life activities of the individual, having a record of such impairment or being regarded as having such an impairment.

Essential functions of the job refer to those job activities that are determined by the employer to be essential or core to performing the job; these functions cannot be modified.

Interactive process is an informal dialogue between the employer and individual. The process is used to identify the limitations resulting from a disability and to determine potential accommodations that could allow the individual to overcome those limitations.

Known limitations- as defined by the PWFA, are mental or physical conditions the pregnant employee communicates to the employer, which need not amount to a disability within the meaning of the ADA. An employee or applicant is still considered qualified under the PWFA if the inability to perform an essential function is for a temporary period; and the essential function could be performed in the near future; and the inability to perform the essential function can be reasonably accommodated.

Major life activity includes the following, but not limited to: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

The ADAAA also includes the term “major bodily functions: which may include physical or mental impairment such as physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin and endocrine. Also covered are any mental or psychological disorders, such as intellectual disability (formerly termed mental retardation), organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Pregnancy-related medical conditions- a medical condition related to pregnancy or childbirth, including impairments resulting from pregnancy.

Qualified individuals means an individual who, with or without a reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.

Reasonable Accommodation(s) includes any changes to the work environment and may include making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, telecommuting, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modification of pre-employment tests, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

Substantially limiting under the ADAAA final regulations, the determination of whether 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, but are not limited to, epilepsy, hypertension, asthma, diabetes, major depressive disorder, bipolar disorder and schizophrenia. An impairment such as cancer that is in remission but that may possibly return in a substantially limiting form also is considered a disability under EEOC and final ADAAA regulations.

Undue hardship means an action requiring significant difficulty or expense by the employer. In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include, but are not limited to:

- The nature and cost of the accommodation
- The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on expenses and resources; or the impact of such accommodation upon the operation of the facility.
- The overall financial resources of the employer; the size; number; type and location of the facilities.

- The type of operations of the company, including the composition, structure and functions of the workforce; administrative or fiscal relations of the particular facility involved in making the accommodation to the employer.
- The impact of the accommodation on the operation of the facility.

Victim of Domestic Violence is defined under the law as any person over the age of 16, any married person, or any parent accompanied by their minor child in a situation where the person or their minor child is the victim of an act committed by a family or household member that violates the penal law (such as acts constituting disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, menacing, reckless endangerment, kidnapping, assault, attempted assault, attempted murder, criminal obstruction of breathing or blood circulation or strangulation). The act must result in, or create a substantial risk of, physical or emotional injury to the person or the person's minor child.

The examples provided throughout this section in the above terms are not meant to be all-inclusive and should not be construed as such. They are not the only conditions that are considered disabilities, impairments or reasonable accommodations covered by this policy.

References

Related Policies, Processes and Other Documents

Equal Employment Opportunity Policy

Non-Discrimination and Anti-Harassment Policy A900800211

Associate Handbook

Regulatory References

Americans with Disabilities Act of 1990 (ADA)

Americans with Disabilities Act Amendment Act (ADAAA)

Rehabilitation Act of 1973

New York State Executive Law Article 15 Human Rights Law (NYSHRL)

Equal Employment Opportunity Commission (EEOC) regulations and enforcement guidance

Pregnancy Discrimination Act (PDA) 1974

New York State Domestic Violence Prevention Act (NY Soc. Serv. Law § 459-A)

Pregnant Workers Fairness Act

Version Control

Sponsored By:

Name sponsor: Patricia Clabeaux

Restricted

Title of sponsor: EVP, Chief HR Officer

Signature of sponsor:



Revision Date	Owner	Notes
9/18/2015	Jen Barr	updates
12/10/2015	Jen Barr	Updates (pregnancy-related)
1/4/2016	Jen Barr	Updates (contact information)
12/1/2017	Jen Barr	Reviewed and updated
1/1/2019	Jen Barr	Updates (including process)
4/19/2019	Jen Barr	Updates (contacts)
11/18/2019	Jen Barr	Updates (victims of domestic violence)
7/1/2020	Jen Barr	Updated to remove Evolve
1/1/2021	Jen Barr	Reviewed; updated contact info
7/1/2021	Jen Barr	Updated to remove DxID
9/1/2022	Jen Barr	Updated contacts, accommodation requests for new hires
7/1/2023	Jen Barr	Updated PWFA & HR contact info
3/1/2024	Jen Barr	Reviewed; updated contact info