



Administrative Policy

REASONABLE ACCOMMODATION POLICY FOR EMPLOYEES AND JOB CANDIDATES

AP No.

3-34

Effective Date:

Upon Approval

1. POLICY STATEMENT

- 1.1 The City of Houston ("City") recognizes applicants and job candidates may need reasonable accommodations to complete the application and/or hiring process.
- 1.2 Similarly, employees may need certain accommodations to allow them to perform the essential functions of their job duties and responsibilities due to a disability, pregnancy, or sincerely held religious belief.
- 1.3 The City is committed to providing reasonable accommodations to qualified individuals with disabilities to ensure its employees, applicants, and job candidates with disabilities, limitations due to pregnancy, and/or sincerely held religious beliefs have equal access to all employment opportunities.
- 1.4 The City will work with the employee, applicant or job candidate to identify and implement reasonable accommodation unless the accommodation imposes an undue hardship to the City.

2. POLICY PURPOSE

- 2.1 To ensure that workplace reasonable accommodations are provided in a manner consistent with the Americans with Disabilities Act of 1990 (ADA), Title VII of the Civil Rights Act of 1964, Pregnancy Discrimination Act of 1978 (PDA), the Pregnant Workers Fairness Act (PWFA) and any applicable federal, state or local laws.

3. SCOPE

- 3.1 This policy applies to all City departments and employees.

4. DEFINITIONS

Accommodation: A process for making reasonable changes in the work environment and/or job application process for qualified employees and applicants with disabilities, limitations related to pregnancy, and or sincerely held religious beliefs.

Accommodation Coordinator: One or more individuals designated by the Human Resources Department (HR) Director who serves as a central point of contact and advisor for ADA, PDA, PWFA and religious accommodation issues affecting their assigned City department.

Applicant: An individual, whether internal or external to the City, who have submitted an application for employment for a specific vacancy with the City.

Citywide Accommodation Coordinator: An employee assigned to the Human Resources Department (HR) who serves as a central point of contact and advisor for ADA, PDA, PWFA and religious accommodation issues affecting the City.

Department's Representative: One or more individuals who serve as a point of contact within a City department and who have authority to resolve ADA, PDA, PWFA and religious accommodation issues.

Approved:

DocuSigned by:

John Whitmire

Date Approved:

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Disability: A physical or mental impairment that substantially limits one or more major life activities or a record (or past history) of such an impairment.

Employee: A person employed by the City.

Essential Functions of the Job: Those job activities that are essential or core to performing the job.

Formal Application Process: The formal application process includes applying for the job, interviewing for the job, and the selection of the job candidate.

Interactive Process: A good faith effort between an employer and employee or applicant to work together to identify whether and how the specific limitations resulting from a disability, pregnancy or sincerely held religious belief may be reasonably accommodated.

Known Limitations: A physical or mental condition related to, affected by, or arising out of pregnancy, childbirth or related medical condition(s) that the employee or the employee's representative has communicated to the employer whether or not such condition meets the definition of disability in the ADA.

Job Candidate: An applicant, whether internal or external to the City, who has been selected to move forward in the hiring process for employment for a specific vacancy with the City.

Reasonable Accommodation: Any change or adjustment to a job or work environment, or the hiring process that permits a qualified applicant or employee to participate in the job application process, to perform the essential functions of the job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without the need for accommodation. A reasonable accommodation is one that does not pose an undue hardship to the City.

Religion: Includes sincerely held beliefs in traditional, organized religions such as Christianity, Judaism, Islam, Hinduism, and Buddhism. It also includes sincerely held religious beliefs that are new, uncommon, not part of a formal church or sect, or only held by a small number of people. Social, political or economic philosophies or personal preferences are not considered "religious" beliefs under City policy or the law.

Undue hardship: Significant difficulty or expense when considering the nature and cost of the accommodation needed in relation to the size, resources, nature and structure of the employer's operation and the impact of the accommodation on the operation of the employer.

5. POLICY DETAILS

- 5.1 An employee may make a request for accommodation to: (1) their immediate supervisor; (2) their Accommodation Coordinator; or (3) the Citywide Accommodation Coordinator.
- 5.2 Employees may need to provide medical information to determine known limitations and identify the portions of their jobs they are unable to perform without reasonable accommodation.
- 5.3 Employees requesting religious accommodation will need to complete the Religious Accommodation Request Form.
- 5.4 In instances of accommodation requests related to known limitations due to pregnancy a health care provider statement may be considered.
- 5.5 An accommodation related to childbirth, pregnancy, or other related conditions to the pregnancy may include the temporary removal of an essential function of the position.
- 5.6 Employees requesting accommodation may submit a list of as many accommodation options as possible that would allow them to perform the essential functions of their job.

- 5.7 Any recommended or suggested accommodation(s) by the employee not granted shall require a explanation of the denial.
- 5.8 All medical documentation shall be kept in a separate confidential file apart from the official and/or departmental personnel file and only available under limited conditions.
- 5.9 All forms and documents related to this administrative policy shall be maintained in compliance with the Texas State Records Retention Schedule.

6. ROLES AND RESPONSIBILITIES

- 6.1 Applicants and job candidates are responsible for notifying the City of any accommodation needed during the formal application process by contacting the accommodation number listed on the job announcement.
- 6.2 The Human Resources Department (HR) Director shall be responsible for:
 - 6.2.1 Designating the Accommodation Coordinator for each department;
 - 6.2.2 Designating at least one (1) employee assigned to HR as the Citywide Accommodation Coordinator; and
 - 6.2.3 Developing any additional guidelines and forms to implement and facilitate this administrative procedure.
- 6.3 Employees are responsible for:
 - 6.3.1 Requesting accommodation from the: (1) immediate supervisor; (2) their respective Accommodation Coordinator; or (3) Citywide Accommodation Coordinator; and
 - 6.3.2 Engaging actively, in the interactive accommodation process, including responding to requests for additional information.
- 6.4 Supervisors are responsible for:
 - 6.4.1 Receiving the request for an accommodation;
 - 6.4.2 Providing a copy of the request for accommodation to the Accommodation Coordinator; and
 - 6.4.3 Engaging, actively, in the interactive accommodation process, including working with the department's Accommodation Coordinator to identify the essential functions of the job.
- 6.5 Accommodation Coordinators are responsible for:
 - 6.5.1 Assisting employees, supervisors, and Department Representatives understand the process for requesting accommodation.
 - 6.5.2 Receiving the request for accommodation.
 - 6.5.3 Providing a copy of the request for accommodation to the supervisor;
 - 6.5.4 Working with the employee's immediate supervisor to identify the employee's essential functions of the job;

- 6.5.5 Providing the employee, if necessary, a job description, medical questionnaire, or Religious Accommodation Request Form with the essential functions of the job for completion by the employee's relevant health care provider or other appropriate professionals to provide the City information regarding known limitations and which job duties the employee or applicant can perform with or without reasonable accommodation;
- 6.5.6 Arranging, attending, and taking notes at the interactive process meeting;
- 6.5.7 Suggesting effective and appropriate accommodation(s), as needed.
- 6.5.8 Completing the Interactive Process Record Form;
- 6.5.9 Ensuring the written decision on the accommodation request is provided to the requestor;
- 6.5.10 Performing the follow-up duties from the interactive process meeting in a timely manner;
- 6.5.11 Seeking guidance from the Citywide Accommodation Coordinator and/or the Legal Department; as needed, to assist the Department's Representative;
- 6.5.12 Uploading accommodation documents and forms into the electronic records management system; and
- 6.5.13 Completing monthly reports submitted to the Citywide Accommodation Coordinator in a format approved by the HR Director.
- 6.6 The Citywide Accommodation Coordinator is responsible for:
 - 6.6.1 Receiving the request for an accommodation;
 - 6.6.2 Providing a copy of the request for accommodation to the appropriate Accommodation Coordinator;
 - 6.6.3 Assisting employees, supervisors, Accommodation Coordinators, and Department Representatives understand the process for requesting an accommodation;
 - 6.6.4 Notifying the Accommodation Coordinator that the employee has requested assistance and may need an accommodation;
 - 6.6.5 Acting as the central point of contact and advisor for ADA, PDA, PWFA, and religious related issues involving the City;
 - 6.6.6 Forwarding documents as necessary to the Accommodation Coordinator for retention; and
 - 6.6.7 Compiling Citywide Accommodation reports, as requested by the HR Director or designee.
- 6.7 The department director is responsible for designating one or more employees to serve as the Department's Representative.
- 6.8 The Department's Representative is responsible for:
 - 6.8.1 Participating in the interactive process; and
 - 6.8.2 Authorizing the written decision on the results of the interactive process on the Interactive Process Record Form.

7. PROCEDURES

- 7.1 The following procedure shall be used to process a request for a reasonable accommodation by a job candidate with a disability, limitations due to pregnancy, or sincerely held religious belief has been received:
 - 7.1.1 Upon receiving a request for accommodation during the application process, HR will notify and provide a copy of the request to the Accommodation Coordinator ..
 - 7.1.2 The Accommodation Coordinator, in consultation with the Citywide Accommodation Coordinator, if needed, shall evaluate the request and determine what, if any accommodation is reasonable.
 - 7.1.3 All documents related to the accommodation request will be maintained in the City's applicant tracking system.
- 7.2 Each step of the accommodation procedure listed in Section 7.3 of this policy may not be necessary; however, every request for a disability, pregnancy, or sincerely held religious belief accommodation shall be reviewed by the Accommodation Coordinator and the Department's Representative.
- 7.3 The following process shall be used when a request for a reasonable accommodation has been received from an employee with a disability, limitation due to pregnancy, or sincerely held religious belief :
 - 7.3.1 Upon receipt of a request for a reasonable accommodation by an employee, the Accommodation Coordinator shall:
 - 7.3.1.1 Complete the Interactive Meeting Process Form; and
 - 7.3.1.2 Evaluate the request and determine if additional medical documentation will be required from the employee's health care provider or other appropriate professional.
 - 7.3.2 If no additional medical documentation is needed, the Accommodation Coordinator shall proceed to scheduling the interactive process meeting described in section 7.3.4 below.
 - 7.3.3 If additional medical documentation is needed to make a decision regarding the accommodation, the Accommodation Coordinator shall provide the employee with a medical questionnaire, which includes the essential functions of the employee's current position, the official job description of the position, or Religious Accommodation Request Form, whichever additional documentation is appropriate, for completion by the employee's personal health care provider or other appropriate professional.
 - 7.3.4 Upon determining whether there is sufficient documentation to proceed with scheduling an interactive meeting, the Accommodation Coordinator shall arrange an interactive process meeting as soon as possible but no later than fifteen (15) calendar days of receipt with at least the employee and the employee's immediate supervisor to discuss the accommodation request.
 - 7.3.4.1 Other members of the employee's chain of command may attend the interactive meeting, if appropriate.
 - 7.3.5 At the conclusion of the interactive meeting, the Accommodation Coordinator shall forward the completed Interactive Process Record Form (Parts A, B, C and D), along with any supporting documentation regarding the accommodation request to the Department Representative.
 - 7.3.6 The Department Representative shall complete Part E of the Interactive Process Record Form within fifteen (15) calendar days of the conclusion of the interactive meeting and provide it to the Accommodation Coordinator.

- 7.3.7 Upon receipt of Part E, the Accommodation Coordinator shall review the Department Representative's response to the accommodation request for appropriateness and if necessary, consult with the Citywide Accommodation Coordinator and/or a representative from the Legal Department's Labor, Employment, & Civil Service Division.
- 7.3.8 Upon confirming the appropriateness of the response to the accommodation request, the Accommodation Coordinator shall provide a copy of Part E of the Interactive Process Record Form to the employee, along with Part F of the Interactive Process Record Form.
- 7.3.9 Upon receipt of Part E of the Interactive Process Record Form, the employee shall have up to ten (10) calendar days to complete Part F of the Interactive Process Record Form and provide a copy to the Accommodation Coordinator.
- 7.3.10 If the accommodation(s) are accepted by the employee, the department shall implement the accepted accommodation(s) as soon as practicable.
- 7.3.11 If the employee refuses any reasonable accommodation offered, then the employee or Department Representative can suggest alternative reasonable accommodation; however, if an agreement cannot be reached through the interactive process and the employee is not on leave, the employee continues to be responsible for performing the essential functions of their job, including maintaining good performance standards.
- 7.3.12 An employee's failure to respond to requests for, failing to return a medical questionnaire, health care provider statement or the Religious Accommodation Request Form or failing to respond to the Department Representative's response to their accommodation request may:
- 7.3.12.1 Result in a delay in processing; and/or
- 7.3.12.2 A denial of the accommodation request.
- 7.3.13 In all cases where the employee fails to respond to the request for, or fails to return a medical questionnaire, health care provider statement or the Religious Accommodation Request Form, the Accommodation Coordinator shall document the failure on the Interactive Process Record Form.
- 7.3.14 The Interactive Process Record Form, along with any supporting documentation shall be maintained separately and apart from the official personnel file in an electronic records management system.

8. CONFLICT AND REPEAL

- 8.1 This policy supersedes all other executive orders, administrative procedures, Mayor's policies, or departmental policies governing reasonable accommodations, except those parts of this administrative policy, if any, that may be otherwise superseded by law.

9. FORMS AND RELATED DOCUMENTS

- Religious Accommodation Form
- Interactive Process Records Form
- Medical Questionnaire with Essential Job Duties
- Employee Performance Plan
- Official Job Descriptions

10. POLICY SPONSOR

Department: Human Resources Department