

 HAWAII HEALTH SYSTEMS CORPORATION <i>Quality Healthcare for All</i> POLICY	Department: Human Resources	Policy No. HR 0002A
		Supersedes Policy No.
Subject: <i>Reasonable Accommodations</i>	Approved By: <i>Donna McCleary</i>	Approved Date: January 27, 2022
	HHSC Board of Directors By: Donna McCleary, M.D. Its: Secretary/Treasurer	Last Reviewed: October 22, 2021

I. PURPOSE:

To establish a policy defining Hawaii Health Systems Corporation’s (HHSC) compliance with federal and state laws requiring employers to provide reasonable accommodation to employees and applicants. This policy shall apply to the HHSC Corporate office and each Region.

If you have any questions or would like more information regarding this policy, contact the Corporate Human Resources Office.

II. DEFINITIONS:

“**Disability**” means a physical or mental impairment that substantially limits a major life activity such as, but not limited to, hearing, seeing, speaking, thinking, walking, breathing, or performing manual tasks.

“**Domestic or Sexual Violence**” means domestic abuse, sexual assault, or stalking.

“**Essential Functions**” means the basic job duties that an employee or applicant must be able to perform, with or without Reasonable Accommodation.

“**Individual with a Disability**” means an applicant or employee who 1) has a physical or mental impairment that substantially limits one or more major life activities, 2) has a record of such an impairment, or 3) is regarded as having such an impairment.

“**Reasonable Accommodation**” means a modification or adjustment to a job, the work environment, or the way things are usually done, to enable a qualified Individual with a Disability or religious belief or who is a victim of Domestic or Sexual Violence, to perform the Essential Functions of the job or to attain the same level of performance or enjoy equal benefits and privileges of employment as are available to a similarly situated employee without a need for accommodation. The modification or adjustment should not cause Undue Hardship on the operation of the Corporate office or Region facilities.

“**Undue Hardship**” means significant difficulty or expense incurred by the HHSC with respect to the provision of an accommodation based on the consideration of several factors, including the nature and cost of the accommodation in relation to the size, resources, nature, and structure of the HHSC’s business, and the impact of the accommodation on HHSC’s operations.

III. POLICY:

HHSC is firmly committed to complying with all applicable federal and state laws that require HHSC to make Reasonable Accommodations for: 1) a qualified Individual with a Disability; 2) an employee disabled due to pregnancy, childbirth, or related medical conditions; 3) an employee with a sincerely held religious belief; and 4) a victim of Domestic or Sexual Violence.

When a Reasonable Accommodation may be required by state or federal law, HHSC will engage in an interactive process with an applicant or employee to identify possible Reasonable Accommodations, if any. Reasonable Accommodation will be provided unless there is an Undue Hardship to HHSC or medical evidence indicates that there is a direct threat to the health or safety of the applicant, employee or others in the workplace. The accommodation provided will not necessarily be an applicant or employee's preferred accommodation. The applicant or employee may be required to provide documentation related to the need for the accommodation.

IV. AUTHORITY:

- Title VII, Civil Rights Act of 1964
- Americans with Disabilities Act
- Hawaii Revised Statutes Chapter 378, Part I (Discriminatory Practices)
- Hawaii Revised Statutes Chapter 378, Part VI (Victims Protections)
- Hawaii Administrative Rules Title 12, Subchapter 4, §12-46-107
- Hawaii Administrative Rules Title 12, Subchapter 7, §§12-46-154 and 155
- Hawaii Administrative Rules Title 12, Subchapter 9, §12-46-187, *et. seq.*

V. RELATED PROCEDURE(S):

HR 0002B

VI. RELATED POLICIES:

HR 0001A Equal Employment Opportunity (EEO)

VII. REFERENCE(S):

None.