I. PURPOSE

A. The purpose of this policy is to ensure Stanford Health Care's (SHC) compliance with applicable laws providing equal employment opportunities and reasonable accommodations. Workplace accommodations may be made under the following circumstances:

1. Disability accommodation
2. Religious accommodation
3. Pregnancy disability
4. Lactation (breastfeeding and chest feeding) accommodation
5. Occupational injury or illness accommodation

II. POLICY

A. SHC evaluates requests for reasonable accommodations on a case-by-case basis and considers the employee's needs, as well as whether the accommodation required/requested would impose an undue hardship on the business operations of SHC.

B. When a provision in this document differs from a union contract, the contract shall take precedence.

III. DEFINITIONS

A. Accommodation: Reasonable tools and/or measures to enable an employee to meet their job requirements and/or identification of another position that can be assigned temporarily and/or permanently.

B. Disability Accommodation: Reasonable accommodation is any appropriate measure that would allow a qualified applicant or employee with a disability to perform the essential functions of their job unless the accommodation would cause SHC undue hardship.

C. Religious Accommodation: Any adjustment to the work environment that will allow the employee to comply with their religious beliefs. SHC will accommodate an applicant's or employee's religious beliefs or practices unless doing so would cause more than a minimal burden on business operations.

D. Pregnancy Reasonable Accommodation: Reasonable accommodation includes but is not limited to modifying work duties, modifying work schedules or modifying job equipment.

E. Lactation Accommodation: SHC will provide any lactating individual with a lactation accommodation as provided by law by providing a reasonable amount of break time in a private location other than a bathroom to express breast milk.

F. Occupational Illness or Injury: An illness or injury that occurs during the course and scope of one's job function.

G. Non-occupational Illness or Injury: An illness or injury that occurs outside of the course and scope of one's job functions.

F. Maximum Medical Improvement: Maximum Medical Improvement (MMI) is a term that a doctor or other treating healthcare provider applies when they have determined that an employee's occupational injury is stabilized and unlikely to change within the next year, with or without medical treatment. When a treating provider determines that an employee has reached MMI, they can assess how much, if any, permanent disability results from the

occupational illness or injury

G. Interactive Process: The interactive process is a formal process to clarify what the individual needs and to identify appropriate reasonable accommodations through on-going dialogue among the employee, Human Resources (HR), Workforce Health and Wellness (WHW) and SHC management. The interactive process will include a discussion including, but not limited to the following considerations:
   1. Nature and duration of the employee's needs and/or work restrictions
   2. Essential functions of the employee's current position
   3. Whether or not the employee's needs and/or work restrictions prevent them from performing any of the essential functions of their position
   4. Identification of any barriers which would hinder the employee from performing essential functions
   5. Employee's suggestions for ways in which their work restrictions might be accommodated if any
   6. Suggestions by HR, and/or management, and/or WHW for ways in which the employee's work restrictions might be accommodated if any
   7. An employee is required to cooperate fully with HR, WHW, and the Department/Unit during the interactive process, including, and not limited to, promptly submitting all documentation detailing their treating healthcare provider's documented functional limitations/ restrictions that support the request for a reasonable accommodation.

IV. PROCEDURE

A. Accommodation Requests

1. **By Employee**

   a. Any employee who experiences an occupational illness or injury will contact WHW for a medical evaluation. WHW will provide work restrictions when/where clinically indicated that will be provided for the interactive process conversation.(Refer to Appendix A for Contact Information).

   b. Any employee who requires an accommodation because of a non-occupational illness or injury, or a known disability, will contact HR (Refer to Appendix A for Contact Information). As an alternative:

      i. The Manager/Supervisor may be contacted, who will then notify HR. Any request made to the Manager/Supervisor should be immediately referred to HR, so they and the Manager/Supervisor can initiate and support the interactive process. Refer to Appendix A for Contact Information.

      ii. The individual with the disability should specify what work restrictions and the accommodation they are requesting to perform the job and may be required to provide reasonable documentation about that individual's disability and its functional limitations that require reasonable accommodation.

      iii. HR and management will continue the interactive process by engaging in conversation (including consultation with medical providers) to identify the barriers that interfere with the equal opportunity of the applicant or employee to perform the essential functions of the job.

      iv. SHC will identify accommodations, if any, that will help eliminate barriers.

      v. If the accommodation is reasonable, the employee can meet the essential functions of the

job, and the accommodation will not impose an undue hardship on SHC, SHC will make the accommodation. If more than one accommodation is appropriate and effective, SHC (not the employee) will determine which accommodation to provide.

c. Any medical illness or injury will be limited to a discussion of the employee's condition as it relates to specific job requirements. SHC's research and assessment shall not intrude unnecessarily into the employee's confidential medical information. HR and/or WHW may request additional documentation and/or clarification from the employee's personal medical provider.

2. **By Manager or Supervisor**
   a. The Manager/Supervisor may observe that the employee is not able to satisfactorily perform the essential functions of their job. (For instance, this may be observed while evaluating the employee's job performance.) If the Manager/Supervisor observes performance issues that would indicate a need for an accommodation due to performance or safety concerns, the Manager/Supervisor may initiate the interactive process by asking the employee if there is any reason they are not able to satisfactorily perform the essential functions required of their job.
   b. b. If the employee states that there is an issue related to a physical or mental limitation or medical condition, then the matter should be referred to HR for review . Any employee behavior and/or performance that creates a concern for the safety of the employee, other employees, patients, or guests shall be immediately referred to WHW for evaluation. Management shall notify WHW by telephone and have the employee escorted to WHW by a responsible department representative.
3. **By HR or WHW**
   a. There are occasions when HR and/or WHW may become aware of an employee who has functional restrictions that may create a need for accommodation. In such cases, the HR and/or WHW department will be notified, and the provisions of this policy implemented. Refer to Occupational Illness or Injury and Non-occupational Illness or Injury as delineated above.
   b. Applicants that have work restriction(s) preventing them from performing the essential functions of the job for which they were hired will be addressed in the following manner: The position for the applicant will be placed on hold by WHW until the applicant is cleared to work (with or without reasonable accommodation), or the decision is made that the applicant will not be able to perform the essential functions of their job even with reasonable accommodation. .
4. **By the Workers' Compensation Provider**
   a. As part of the Workers' Compensation program, an employee may return to work on restrictions or may be declared permanent and stationary with work restrictions by their workers' compensation or private healthcare provider. A determination of permanent and stationary would indicate the employee has reached maximal medical improvement; the condition has stabilized and is unlikely to change in the next year with or without medical treatment. In such cases, any accommodation needed will be evaluated according to the "By Employee" above.
5. **By Facilities**
   a. Referrals sent for facility-based accommodations and/or ADA evaluations should be submitted via the Facilities Services Response Center (FSRC).
   b. Job Placement Process
      i. There are certain situations in the disability accommodation process where reassignment of a disabled employee to an open and vacant position is appropriate. The employee will

be notified in writing that they are eligible for possible reassignment through SHC's Job Placement Process.

c. The Job Placement Process is a collaborative effort between HR and the manager/supervisor which involves job search assistance for a period of sixty (60) days with the intent to identify a suitable vacant position for which the employee satisfies the minimum qualifications for that position and can perform the essential functions of the position with or without accommodation.

d. The employee is expected to assist in the search for a suitable vacant position by reviewing open vacant positions and informing HR of those positions for which they believe they are qualified. Employees must actively cooperate with HR.

e. If an employee rejects a suitable position offered, without a good reason, SHC will not be required to provide further job search assistance.

6. Religious Accommodation Requests

Employees may request a religious accommodation by:

a. Submitting a request in writing to their manager/supervisor (or designee).

b. Supplying documentation to support the request using the Religious Accommodation Request Form that is provided by contacting SHC Human Resources Department (Refer to Appendix A for Contact Information).

i. Include information about how the employee's job obligation conflicts with their religious practice or belief. SHC may request other supporting documentation depending upon the nature and extent of the accommodation requested.

ii. Whenever possible, such requests should be made at least thirty (30) days in advance of the desired accommodation.

2. The request for religious accommodation will be reviewed using the following criteria:

a. Identification of the essential functions of the individual's job.

b. The employee held religious beliefs, practices, or observances.

c. The impact of the requested accommodation on the performance of the essential functions of the individual's position and the operation of the department.

d. The potential issues posed by the request such as impact on other staff.

e. The request will be reviewed in accordance with applicable laws.

3. The disposition of the request (whether the accommodation is granted or not) will be in writing to the employee, including a description of any time limitation on the accommodation.

B. Pregnancy Reasonable Accommodation Requests

1. A reasonable accommodation may be required when an employee is disabled by pregnancy, childbirth, or a related medical condition and needs a change in the work environment or a temporary suspension of job duties to enable them to perform the essential functions of their job.

2. Employees may request a pregnancy reasonable accommodation by:

a. Submitting a request in writing to their manager/supervisor (or designee) using the Pregnancy Reasonable Accommodation Request that is provided by contacting SHC Human Resources Department (Refer to Appendix A for Contact Information), or

b. Supplying a letter of advice from their Healthcare Provider to SHC Human Resources

Department.

3. The request for pregnancy reasonable accommodation will be reviewed using the following criteria:
    a. The interactive process will be used to address the employees request for reasonable accommodation.
    b. The reasonableness of a requested accommodation will be made on a case-by-case basis.

C. Lactation Accommodation Request

1. An employee who has a need for a lactation accommodation should inform their supervisor.
2. Requests received by the supervisor should be submitted via AskHR.
    a. Individuals may request a lactation accommodation via AskHR
3. It is an Employer's obligation to respond adequately to a lactation accommodation request. When HR or a manager/supervisor receives a lactation accommodation request, a private location and break schedule must be established using the following considerations:
    a. Location
        i. An individual can express breastmilk wherever they feel comfortable. An area can be made private by having a lock or placing a message on a door that the room is in use, drawing blinds or curtains, covering curtain-less windows with paper or setting up a portable partition (contact Facilities Services via FSRC for additional support).
        ii. The private location should be in close proximity to the individual's work area. It must be safe, clean, and free from hazardous materials and include both a surface to place a chest pump and/or personal items and a place to sit. The space must also have access to electricity or alternative devices needed to operate an electric or battery-operated powered chest pump. The private location cannot be a toilet or restroom, but could be, for example, a vacant office or a designated lactation space which could be arranged to be used during specific times of the day. The use of the room for lactation accommodations shall take precedence over other uses, but only for the time it is in use for lactation purposes.
        iii. Access to a sink and staff refrigerator to store breast milk near individual's workspace.
        iv. For additional information, contact Human Resources Workplace Accommodations & Leaves Team.
    b. Lactation (Breast or Chest Feeding) Schedule
        i. Schedule should be based on the needs of a nursing employee and operational consideration of SHC. Supervisors are encouraged to allow flexible scheduling, whenever possible to accommodate lactation breaks.
        ii. The break time for lactation should coincide with the employee's break times, when appropriate. If lactation break period cannot run concurrently with the rest period, SHC shall make separate lactation break time available and may be unpaid for non-exempt employees.
    c. A nursing employee who believes an accommodation has not been provided should contact SHC Human Resources Workplace Accommodations & Leaves Team.

V. COMPLIANCE

A. All workforce members including employees, contracted staff, students, volunteers, credentialed medical staff, and individuals representing or engaging in the practice at Stanford Health Care (SHC) are responsible for ensuring that individuals comply with this policy.
B. Violations of this policy will be reported to the HR Accommodations Team or the Department Manager. Violations will be investigated and appropriate disciplinary action up to and including termination may be taken.

VI. RELATED DOCUMENTS / PROCEDURES

A. Leaves of Absence
B. Personal Appearance Policy
C. Employee Attendance-Tardiness Compliance Policy
D. Service Animals
E. Communicable Disease Screening for Medical Staff – Medical Staff Documents
F. Maximum Medical Improvement / Permanent and Stationary Procedure
G. Facilities Accommodation Requests

VII. APPENDICES

A. Appendix A: Contact Information

VIII. DOCUMENT INFORMATION

A. Legal Authority/References
   1. Americans with Disabilities Act (ADA)
   2. Fair Employment and Housing Act (FEHA)
   3. California Labor Code 226.7
B. Author/Original Date
   1. June 2013 by Mary Spangler, Director of Occupational Health Services
C. Stored in Human Resources manual
D. Review and Renewal Requirements
   1. This policy will be reviewed every three (3) years and/or as required by change of law or practice.
E. Review and Revision History
   1. July 2013 Angeline Covey, Office of the General Counsel
   2. October 2017 M. Gaines, Administrative Director Employee & Labor Relations – SHC
   3. February 2020 Nadia Isidoro, HR Manager Absence and Accommodations; M. Gaines, Administrative Director Employee & Labor Relations; Suzanne Harris, Director Labor Relations HR
   4. July 2022 Josh Rousselo, Deloitte Consulting, LLP; Tiffany Tam, Admin Director, Finance Operations, Controllers Office; Clint Hayes, Manager, Finance Transformation, Controllers Office; Dave Simpson, DWS Program Lead, Human Resources; Ann Cullen, Admin Director Workforce Health and Wellness
   5. September 2022 Suzanne Harris, Director, Employee & Labor Relations, Human Resources; Nadia Isidoro, Manager, MyTransition Leave, Human Resources; Jeanneth M. Chew, Sr. Program Manager, Quality Management; Mary Gaines, Administrative Director, Human Resources
   6. November 2024 Lawrence Perkins Jr, Manager-Workplace Accommodations & Leaves; Nadia Isidoro, Principal Workplace Accommodations & Leaves; Maddalena Vitanza, Sr Mgr.-Workforce Health & Wellness; Suzanne Harris, Director-Employee & Labor Relations; Shareef Valentine,

Director-Employee & Labor Relations; Shirley Nakamura, Director-HR Compliance & Employment; Scott Williams, Manager-HR Compliance & Employment; Barbra Calma, Sr HR Compliance & Employment Consultant; Veronica Gallo, HR Compliance & Employment Consultant; Rosanna Ingram, HR Compliance & Employment Consultant; Kristy Marino, University Counsel, Office of the General Counsel

F. Approvals
   1. August 2013 Greg Souza, Interim Vice President of Human Resources – SHC October 2017 by David D. Jones, Chief Human Resources Officer – SHC
   2. September 2020 Policy & Procedure Steering Committee; Operational Leadership team Committee; David Jones, Vice President, Vice President, Human Resources
   3. October 2022 Jennifer Marie Lynch, Senior University Counsel, General Counsel; Dawn Rorig, Executive Director, Human Resources Services; Policy & Procedure Steering Committee
   4. December 2024 Dawn Rorig, Vice President, Chief Human Resources Officer
   5. December 2024 Policy & Procedure Steering Committee
   6. 02/2025 Clinical & Operational Performance Executive Committee

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Appendix A: Contact Information

1. Workforce Health and Wellness
   a. Visit the Workforce Health and Wellness Webpage for contacts
2. Human Resources
   a. Phone 650-723-4748 or
   b. Open an AskHR ticket
3. Facilities Services Response Center
   a. Facility Request Portal (Accessible via SHC Connect/Connect To)
   b. Phone 650-498-4400