



An Affiliate of SUNY Downstate Health Sciences University College of Medicine

Institutional GME POLICY for DISABILITY ACCOMMODATION

PURPOSE

In compliance with the Americans with Disabilities Act, Richmond University Medical Center will attempt to make reasonable accommodations for qualified disabled individuals who are able to meet the essential functions of their position. A committee consisting of representatives from Human Resources, Engineering Services, Facilities Design and Construction, Rehabilitation Medicine, and the Department employing the individual, will explore and recommend appropriate accommodations for Richmond University Medical Center.

POLICY

Pursuant to the Americans with Disabilities Act ("ADA") and applicable state and local laws, it is the policy of Richmond University Medical Center to make reasonable accommodations to the known physical or mental limitations of otherwise qualified applicants or residents with disabilities, unless such accommodations would impose an undue hardship on Richmond University Medical Center's operations.

OVERSIGHT AND RESPONSIBILITY

A Resident's Program Director will be primarily responsible for determining the reasonableness of an accommodation. Human Resources will be available for consultation and advice regarding the interactive process for resident accommodation requests and also will determine whether an individual with a disability poses a direct threat; the Department of GME will also consult and advise on accommodation requests from residents.

DEFINITIONS

Terms used in this policy have the following general meanings:

Unless otherwise defined by applicable state or local law, **disability** means a physical or mental impairment that substantially limits one or more major life activities of the individual, without taking into account mitigating measures such as medications, medical equipment, or other auxiliary aids. An **individual with a disability** is a person who has an impairment as defined above, has a record of such impairment, or is regarded as having a physical or mental impairment.

A **qualified individual with a disability** is an individual with a disability who satisfies the requisite skill, experience, education, and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.

Essential functions are, generally, the fundamental job duties of the position the individual with a disability holds or desires. The term "essential functions" does not include the marginal functions of the position.

Reasonable accommodations may include the following: (1) modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position the qualified applicant desires; (2) modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; and (3) modifications or adjustments that enable an employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated Residents without disabilities. Reasonable accommodations are determined on a case-by-case basis, considering the individual's functional limitations, needs, the essential functions of the job, and any rights or interests of others that may be impacted by the requested accommodation. Reasonable accommodations do not include those



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accommodations that would impose an undue hardship on Richmond University Medical Center's operations.

A **direct threat** is a significant risk of substantial harm to the safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation. An individual who poses a direct threat to the health or safety of the individual or others in the workplace is not considered a qualified individual with a disability.

PROCEDURE

Notification

All qualified Residents with a disability who are seeking a reasonable accommodation should notify their Program Director or Chair as soon as the need arises. In the case of qualified applicants with disabilities who are seeking a reasonable accommodation, they should notify the relevant Human Resources representative or GME representative. In some instances, Richmond University Medical Center may initiate the interactive process without a request from a resident or applicant.

Interactive Process

To determine if there is an appropriate reasonable accommodation and what it is, Richmond University Medical Center may need to engage in an informal, interactive process with the qualified individual with a disability who is seeking an accommodation. This process is intended to identify the precise limitations resulting from the disability and a potential reasonable accommodation(s) that could overcome those limitations. Accommodations that impose an undue hardship on Richmond University Medical Center's operations are not considered reasonable. Residents who request an accommodation may be required to provide certain information and documentation (from either the residents' own health care provider or one chosen by Richmond University Medical Center) regarding their disability and functional limitations to assist in that process. The Resident's Program Director or Chair will be primarily responsible for determining the reasonableness of the accommodation. Approved accommodations may change from time to time depending upon the limitations and needs of the individual and any changes in the essential functions of the job or needs of Richmond University Medical Center operations.

Written documentation of the interactive process should be maintained including records of any reasonable accommodations that are considered and/or implemented as well as the associated costs. All such documentation shall be kept strictly confidential.

Medical Examinations

All offers of employment are conditioned upon the completion of a post-offer, pre-employment health screening to ensure that the individual is capable of performing the essential functions of the position with or without reasonable accommodation. Failure to submit to this medical examination will be viewed as a rejection of the offer of employment.

Richmond University Medical Center may request written documentation from residents seeking an accommodation. In such instances, the resident will be responsible for providing the requested medical documentation and for the initial cost of doing so. Richmond University Medical Center will bear the cost of a second opinion, if requested.

All such medical and disability related information shall be kept strictly confidential.

Direct Threat

An individual who poses a direct threat to the health or safety of the individual or others in the workplace is not considered a qualified individual with a disability. The determination as to whether an individual with a disability poses a direct threat will be made by Human Resources and the Department of GME.

Appeal Process

Residents have the right to appeal the denial of a request for reasonable accommodation within

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15 business days of receipt of notification of the denial as follows:

- Residents will file appeals with the Designated Institutional Official /Director of Graduate Medical Education to be resented and reviewed with the Department of Human Resources.

Issuing Office

Human Resources and GME

Policy References

Equal Employment Opportunity/Workforce Diversity and Inclusion

Accepted 7/1/2014.

Reaffirm by GMEC 2/28/2025.