

## **REASONABLE ACCOMMODATIONS**

The district is committed to providing a work environment that is free of discrimination. In accordance with the Americans with Disabilities Act (ADA), the district does not discriminate against qualified individuals with disabilities in regard to job application procedures, hiring, advancement, training, compensation, benefits or discharge. It is the policy of the District to make reasonable accommodations for the known physical or mental limitations of qualified disabled applicants and employees.

### **A. Definitions**

Disability, with respect to an individual, is defined as any of the following:

1. A physical or mental impairment that limits one or more of the major life activities.
2. A record of such impairment.
3. Being regarded as having such impairment.

Limits shall be determined without regard to mitigating measures such as medications, assistive devices, prosthetics or reasonable accommodations unless mitigating measure itself limits a major life activity.

Qualified individuals means an individual with a disability who satisfies the requisite skill, experience, education, and other job-related requirements of the position and who, with or without reasonable accommodation, can perform the essential functions of the position.

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

### **B. Reasonable accommodations that an employer may need to provide in connection with modifications to the work environment or adjustments in how and when a job is performed that enable an individual with a disability to enjoy equal employment opportunities include, but are not limited to:**

1. Making existing facilities accessible and usable.
2. Restructuring the job duties.
3. Offering part-time or modified work schedules.
4. Acquiring or modifying equipment or devices.
5. Changing tests, training materials or policies.
6. Providing qualified readers or interpreters.

7. Reassigning the employee to a vacant position.
8. Elimination of non-essential job duties.

C. Undue hardship is an action that requires “significant difficulty or expense” in relation to the size of the employer, the resources available and the nature of the operation. A determination of undue hardship should be based on several factors, including:

1. The nature and net cost of the accommodation needed.
2. The overall financial resources of the facility making the reasonable accommodation, the number of persons employed at this facility, the effect on expenses and resources of the facility, or the impact on the operations of the facility.
3. The overall financial resources, size, number of employees, and the number, type and location of facilities of the district.
4. The type of operations in the district, including the structure and functions of the workforce, the geographic separateness, and the administrative or fiscal relationship of the facility involved in making the accommodation.
5. The impact of the accommodation on the operation of the workplace, including the impact on the ability of other employees to perform their duties and the impact on the facility’s ability to conduct business.

D. Requests for Reasonable Accommodation

The district designates the Assistant Superintendent, Personnel Services, as the coordinator of its efforts to comply with the Americans with Disabilities Act (ADA) and to investigate any requests related to a medical condition.

When requesting a reasonable accommodation during the hiring process, a job applicant shall inform the Assistant Superintendent that he/she will need a reasonable accommodation for the process.

An employee’s request for a reasonable accommodation may first be considered informally by the site administrator. The site administrator shall consult with the assistant superintendent before any decision as to accommodation is made.

When the disability and/or the need for accommodation is not obvious, the Assistant Superintendent may ask the employee to supply reasonable documentation about his/her disability. In requesting this documentation, the types of information being sought about the employee’s condition, the employee’s functional limitations and the need for reasonable accommodation shall be specified. The employee may be asked to sign a limited release allowing the district to submit a list of specific questions to the health care provider or vocational professional.

If the submitted documentation does not specify the existence of a qualifying disability and explain the need for reasonable accommodation, the district may require the employee to submit to an examination by a health care professional selected and paid for by the district.

Upon receiving a request to reasonably accommodate a qualified employee with a disability, the coordinator shall:

1. Determine the essential functions of the job.
2. Engage in an informal, interactive process with the employee to review the request for accommodation, identify the precise limitations resulting from the disability, identify potential means for providing accommodation, and assess their effectiveness.
3. Develop a plan for reasonable accommodation which is effective and allows the employee to perform the essential functions of the job or to gain equal access to a benefit or privilege of employment and does not impose undue hardship on the district.

To qualify for a job, an individual shall not pose a significant risk of substantial harm to himself/herself or others in the workplace which cannot be eliminated or reduced by reasonable accommodation.

The determination of whether an individual poses a significant risk of substantial harm to himself/herself or others shall be made on a case-by-case basis and shall be based on objective, factual evidence, taking into consideration the duration of the risks, the nature and severity of the potential harm, the likelihood that the potential harm will occur and the imminence of potential harm.

The Assistant Superintendent may confer with the site administrator, the district medical advisor and/or other district staff before making a final decision as to the accommodation.

#### E. Reasonable Accommodation Committee

The coordinator may appoint a Reasonable Accommodation Committee to review or assist in the development of appropriate plans to reasonably accommodate an employee or qualified job applicant who has requested an adjustment in work duties or environment because of known physical or mental disabilities. The membership of this committee may change on a case-by-case basis. The committee may include:

1. A district administrator
2. A site administrator
3. A medical advisor or rehabilitation specialist
4. A certificated employee
5. A classified employee

Committee members shall be selected on the basis of their knowledge of the relevant issues, including:

1. The specific functions and duties required in the position.

2. The physical work environment.
3. Available accommodations.

At the Assistant Superintendent's discretion, the employee or applicant requesting accommodation may participate in or be excluded from committee meetings. If the employee or applicant is excluded from committee meetings, the coordinator shall communicate with him/her so that he/she has the opportunity to interact and contribute to planning the reasonable accommodation.

The appropriate steps shall be taken to ensure the confidentiality of information related to medical conditions.

F. Appeal Process

If the employee or applicant is not satisfied with the decision of the Assistant Superintendent, he/she may appeal in writing to the Superintendent or designee. This appeal shall be made within ten (10) working days of receiving the decision and shall include:

1. A clear, concise statement of the reasons for the appeal.
2. A statement of the specific remedy sought.

The Superintendent or designee shall consult with the Assistant Superintendent and review the appeal, together with any available supporting documents. The Superintendent or designee shall give the employee or applicant his/her decision within 15 working days of receiving the appeal.

Any further appeal for reasonable accommodation shall be considered a complaint concerning discrimination in employment and may be taken to the Governing Board in accordance with the district's procedure for such complaints.

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| G. <u>Legal Reference:</u> | Civil Code                  | 51 Unruh Civil Rights Act                         |
|                            | Government Code             | 12900-12996                                       |
|                            | United States Code          | Title 29, 901-794e                                |
|                            | United States Code          | Title 42, 12101-12213                             |
|                            | Code of Federal Regulations | Title 28, 35.101-35.190,<br>35.107, 36.101-36.608 |
|                            | Code of Federal Regulations | Title 29, 1630.2                                  |

H. Approved by:

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| <u>Suzette Lovely</u>     | <u>5/17/10</u> | <u>Dennis Smith</u> | <u>5/17/10</u> |
| Responsible Division Head | Date           | Superintendent      | Date           |