



Employee Accommodation Request Procedure

Employee Accommodation Request

Palomar Community College District is committed to adhering to all applicable federal and local laws, regulations and guidelines with respect to providing reasonable accommodations, as required by Section 504 of the Rehabilitation Act and the Americans with Disabilities Amendments Act of 2008, and to afford equal employment opportunity to qualified individuals with a disability.

What is considered when a request for a reasonable accommodation is made?

The determination of a reasonable accommodation is an interactive process through which the employee and the employer work together to determine what accommodation(s) are reasonable. The decision will be made on a case by case basis utilizing input from the affected employee and dependent upon the specific limitations of the individual's disability/medical condition and the specific functions of the job. All employees must be able to perform the essential functions of their position.

The District is not required to provide a reasonable accommodation if it would impose an undue hardship on the employer. Undue hardship refers to any accommodation that would be expensive, substantial or disruptive, or that would fundamentally alter the nature or operations of the employer.

What is a reasonable accommodation?

A reasonable accommodation is any modification or adjustment to a job or the work environment that will enable an employee with a disability to perform essential job functions. Examples can include but are not limited to: making facilities accessible, adjusting work schedules, the redistribution of non-essential marginal job functions, and/or providing assistive devices or equipment. An employer *does not* have to provide personal use items needed in accomplishing daily activities both on and off the job (ex: hearing aid, eyeglasses, wheelchair, scooter, etc.).

What is an Interactive Process Discussion?

After the District has received notice and supporting documentation for an accommodation request, the District will arrange for a discussion in person or via telephone with the employee, and his or her representatives if any. The purpose of the discussion is to work in good faith to fully discuss all potential reasonable accommodations. The Human Resource Services (HRS) representative may need to consult with other departments regarding the request (e.g., Environmental Health and Safety, Information Services, etc.) to obtain information necessary to make a determination about the request.

Responsibility

District: The oversight and implementation of this policy is the responsibility of HRS. The Vice President of Human Resource Services is responsible for the conduct of the process, facilitating a decision, acting in good faith during the process, and for documenting all reasonable accommodation requests and outcomes.

Employee: The employee is responsible for initiating a request for any desired disability related workplace accommodation. A request is *any* communication in which an employee states that he or she needs the District to provide an accommodation because of a medical condition. This could be a formal written request by the employee via the "Employee Accommodation Request Form" or a

verbal communication to the supervisor. The employee is required to cooperate throughout the Interactive Process Discussion by being available to attend meetings and to promptly provide medical documentation where necessary. The employee has the option to be represented.

Supervisor and/or Administrator: Supervisors and/or administrators are responsible for notifying HRS immediately of any employee request for accommodation brought to their attention. A request is any communication in which an individual asks or states that he or she needs the District to provide something because of a medical condition. Once a reasonable accommodation has been agreed upon, supervisors and/or administrators are responsible for implementing the reasonable accommodation and providing HRS with documentation of the accommodation's implementation. Supervisors and/or administrators have the responsibility to keep the request confidential except as necessary for the accommodation.

Procedure

1. Request for Accommodation

The employee initiates the request for the District to provide an accommodation **because of a medical condition**. This can be done in any form of communication such as a formal written request by the employee via the "Employee Accommodation Request Form" or a verbal communication to the supervisor. Supervisors are required to notify HRS immediately of any employee request for accommodation.

2. Reasonable Documentation of Disability

If HRS has not yet received the "Employee Accommodation Request Form", the employee will be asked to complete the form and to also submit any necessary medical documentation to HRS if the disability and/or the need for accommodation is not obvious. Such documentation will be maintained in a confidential file separate from the employee's personnel record. The District may request relevant supplemental information if the statement does not clearly explain the nature, severity and duration of the disability/medical condition, limitations, the need for the reasonable accommodation, etc., or it does not clarify how the requested accommodation will assist the employee in performing the essential functions of the job.

3. Fitness for Duty Examination

The District may require an employee to undergo a fitness for duty examination to determine whether the employee can perform the essential functions of the job with or without reasonable accommodation.

4. Interactive Process Discussion

The District will arrange for a discussion, either in person or via telephone, with the employee, employee's supervisor, HRS representative and any other pertinent individuals. A union representative may attend if requested by the employee. The purpose of the discussion is to work in good faith to fully discuss all feasible potential reasonable accommodations.

5. Determination

The District determines, in its sole discretion, whether reasonable accommodation(s) can be made, and the type of accommodation(s) to provide. The District will not provide accommodation(s) that would pose an undue hardship on District finances or operations, or that would endanger the health or safety of the employee or others. The District will inform the employee of its decision as to reasonable accommodation(s) in writing.

6. Appeal

If an employee is dissatisfied with the resolution, they can appeal to the Vice President of Human Resource Services in writing. An employee must request an appeal within ten (10) business days of receiving the denial. Within fifteen (15) business days of receiving the appeal a final determination of the accommodation request will be provided to the employee in writing.