

EMPLOYEE REQUEST FOR REASONABLE ACCOMMODATION UNDER ADA, ADAAA AND FEHA POLICY/PROCEDURE

A. POLICY

The San Bernardino Community College District is committed to complying with all laws that protect qualified individuals with disabilities. When requested, the District will provide a reasonable accommodation for any known physical or mental disability of a qualified individual, provided the requested accommodation does not create an undue hardship for the District or pose a direct threat to the health or safety of others in the workplace or to the requesting employee.

The District complies with all federal and state laws concerning the employment of persons with disabilities, including the Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA), and the California Fair Employment and Housing Act (FEHA).

B. PROCEDURE

1. Request for Accommodation

To request an accommodation to perform the essential functions of an employee's job, the employee should submit a written request to the Senior Human Resources Analyst in the Office of Human Resources. An employee requesting accommodation should include in the request his, her or their suggestion for an accommodation.

Once the District is aware of the need for accommodation, it will engage with the employee in an interactive process to identify possible accommodations. Employees are encouraged to use this procedure without fear of retaliation. Employees who believe that they have been treated in a manner not in accordance with this policy should notify the Senior Human Resources Analyst.

The following form should be completed to request a reasonable accommodation under the ADA:

<https://sbccd.edu/district-services/human-resources/ada-adaaa-and-feha-policy-procedure/documents/employee-request-for-reasonable-accommodation-form.pdf>

Requests are confidentially processed in accordance with applicable law.

2. Initial Interactive Process

The District will engage in a timely, good faith, interactive process. The point of the process is to remove barriers that keep people from performing jobs that they could do with some form of accommodation. The process requires an individualized assessment of both the job and the specific physical or mental limitations of the individual that are directly related to the need for reasonable accommodation.

3. Documentation

The District must obtain necessary documentation/information to support clear medical work restrictions and their duration, including but not limited to:

- Supplemental medical reports
- Medical questionnaires may be prepared by the District based on the essential functions of the job
- Fitness for duty examinations may be coordinated by the District with a qualified Physician, Psychologist, or Psychiatrist in the event that the need to do so is job-related and consistent with business necessity

4. Interactive Process Continues

After receipt of clear work restrictions, the District will arrange for a discussion, in person or via telephone conference call, or virtual meeting with the employee, and his, her or their representative, if any, and the employer's representative(s). The Senior Human Resources Analyst or designee will facilitate the meeting. It should include:

1. Review of the essential functions of the job of the employee's classification and all pertinent medically supported work restrictions / functional limitations.
2. Review and identification of essential functions of the employee's classification which may be in conflict with work restrictions and functional limitations.
3. Identification, exploration, and evaluation of accommodation options, through a good-faith discussion with employee and employer's representatives, to determine what options may be reasonable to implement.
4. If it is determined that reasonable accommodations do not exist to support employee to be able to continue in the current classification, other options may be explored.

If the District determines that a request for accommodation is reasonable, the accommodation should be implemented as soon as possible.

The good faith interactive process and determination of reasonable accommodation(s) is an ongoing process. An appropriate accommodation at one point in time may need to be reassessed if:

1. The original accommodation was a temporary or short-term disability accommodation, that is, it was intended for a specifically defined purpose and time period which has elapsed;
2. The position duties change;
3. The environment changes;
4. The employee indicates that a new accommodation may be necessary; or
5. Other factors suggest that a new accommodation is needed and it is time to re-initiate the good faith interactive process.

5. Case-by-Case Determination

The District will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation or if the accommodation creates an undue hardship to the District. The District will determine whether reasonable accommodation(s) can be made, and the type of accommodations to provide. The District will inform the employee of its decision as to reasonable accommodation(s) in writing.