SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT

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Reasonable Accommodation for Employees with Disabilities

I. INTRODUCTION

The purpose of this Administrative Regulation is to establish procedures by which the San Mateo County Community College District will provide reasonable accommodation to all employees with disabilities within the meaning of Americans with Disabilities Act ("ADA"), the California Fair Employment and Housing Act ("FEHA") and/or Sections 503/504 of the 1973 Rehabilitation Act. These procedures supplement relevant personnel policies collective bargaining agreements, and/or MOUs, and should be read in conjunction with those provisions. The procedures apply for employees covered by the ADA, FEHA and/or Section 504 of the 1973 Rehabilitation Act.

II. PROCEDURES

A. General Principles

1. When an employee becomes unable to perform the essential job functions of the currently-held position as a result of a covered disability, whether permanent or temporary, the District will engage in efforts at reasonable accommodation that will allow the employee to perform the essential job functions of her/his position. The District will explore reasonable accommodation options when an employee requests accommodation, or there is evidence that an employee may need accommodation due to a covered disability. Under the ADA and FEHA an employer must provide a reasonable accommodation to the known physical or mental limitations of a qualified employee with a disability unless the accommodation would impose an undue hardship on the organization.
2. Accommodation options will be considered with the employee through an interactive process.
3. The process prescribed herein applies to all current District employees (temporary, probationary, permanent status, and at-will).
4. An employer does not have to make an accommodation for an individual who is not otherwise qualified for a position.
5. Generally, it is the obligation of an individual with a disability to request a reasonable accommodation.
6. The District is not required to promote an employee to a position for which they are not qualified, lower quality or performance standards, provide personal use items like glasses

and hearing aids, or create a new position. No accommodation is required if the essential functions of the job cannot be performed, if the employee poses a direct threat to himself/herself, co-workers or the public, or if the accommodation would create an undue hardship for the District. The employee is still expected to perform the job at the established standard work performance levels for which he/she was hired and the employee will be evaluated accordingly.

B. Definitions

1. "Good Faith Interactive Process" shall mean the process for engaging in an appropriate exchange with an employee for consideration of potential accommodations, as required by state and federal law.
2. "Supervisor" shall mean the employee's direct supervisor or designee(s).

III. GOOD FAITH INTERACTIVE PROCESS

A. The Good Faith Interactive Process, Defined.

The Good Faith Interactive Process is the way in which employees and management arrive at a reasonable accommodation, where possible.

B. Starting the Process.

When the disability or the need for accommodation is obvious (e.g., wheelchair use, blindness), the employee's Supervisor should inquire whether the employee has a need for assistance. If the disability or the need for accommodation is not obvious, it is the responsibility of the employee to inform the Supervisor that an accommodation is needed in order to perform the essential job functions, or to receive equal benefits and privileges of employment. The employee does not have to formally notify the Supervisor in writing. A request for assistance or indication by the employee that some corrective measure may need to be taken can be made verbally, as well as in writing.

C. Right of Privacy in Medical Condition.

An employee should not be asked whether they have a disability or any other question about his/her medical condition. However, in keeping with the spirit of the interactive process, an employee who is struggling to adequately perform should be asked if there is any type of assistance that might enable the employee to better perform his/her essential job functions along with other material describing employee support resources.

D. Initiating a Request.

The employee shall use the Employee Accommodation Request Form to help clarify his or her specific abilities and limitations as they relate to the essential job functions, and to share the employee's preferences with regard to accommodations.

1. If the Supervisor is able to easily provide the accommodation, he/she should discuss the accommodation with the employee and document the informal meeting.
2. In all other cases when a disability precludes an employee from performing one or more essential job functions, the Supervisor, Human Resources Representative and employee, should begin the good faith interactive process.
3. If the need for more information about the employee's work restrictions or limitations is needed, the Human Resources Representative may ask the employee if they can provide more information than was previously submitted.
4. If after getting additional information from the employee, the need for an accommodation or the actual work restrictions are unclear, the Human Resources Representative may give the employee a Licensed Health Care Provider Questionnaire Form to be completed by the employee's health care provider.
5. The Human Resources Representative will schedule a good faith interactive meeting with the employee and the Supervisor. The employee is allowed to bring a representative to the meeting, which may be their union representative or another person of their choice. If the employee plans to have legal representation at the meeting, they must advise the Human Resources Representative prior to the meeting or the meeting may be cancelled.

E. Implementation

1. If the Supervisor, in consultation with the Human Resources Representative, determines that an employee-requested accommodation is reasonable, the accommodation should be implemented as soon as possible. The District does not have to provide the accommodation preferred by the employee or their health care provider.

F. Ongoing Process.

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.

G. Determination that the Proposed Accommodation(s) is Unreasonable

1. If it is decided that a proposed accommodation is unreasonable or presents an undue hardship, the Supervisor and the Human Resources Representative should re-initiate the Good Faith Interactive Process with the employee to try to arrive at a mutually agreeable alternative to the originally proposed accommodation.
2. If an employee is unable to perform the essential functions of their job even when provided reasonable accommodations, the employee may be placed on a leave of absence.