



Policy

7348 Accommodations

The Board delegates to the Chancellor the authority to establish administrative procedures for accommodations.

Absent undue hardship or direct threats to the health and safety of employees and students, the Board directs the Chancellor, or their Human Resources designee, to provide employment-related reasonable accommodations to:

- Qualified individuals with disabilities, both applicants and employees, to enable them to perform essential job functions;
- Employees with conditions related to pregnancy, childbirth, or a related medical condition, if requested and upon the advice of the employee’s health care provider;
- Employees who have been victims of domestic violence, sexual assault, or stalking; in an effort to provide a safe work environment; and
- Employees who request reasonable accommodation to address a conflict between religious belief or observance and any employment requirement.

The Board directs the District to require documentation confirming the need for a reasonable accommodation and periodic updates, if deemed appropriate by Human Resources. The Chancellor, in consultation with Human Resources, will develop an accommodation process that is interactive, well-documented, and carried out in good faith.

References:

Adopted: January 11, 2023
Last Reviewed: January 11, 2023

Administrative Procedure**7348 Accommodations****I. Request for Reasonable Accommodations**

A reasonable accommodation is an adjustment or modification concerning some aspect of the recruitment process, the work environment, or the job duties that enable an individual who is qualified for the job, equal employment opportunity, and to successfully perform the essential functions of that job to the same extent as people without disabilities.

A. Identifying Reasonable Accommodation Requests

Requests for reasonable accommodation may be submitted at any time, orally or in writing, and must be submitted to the District's Human Resources Office, who will initiate and manage the interactive accommodation process and ensure that an appropriate accommodation is provided that meets the individual's disability-related needs and enables the individual to fully and safely perform the essential functions of the position. A request for an accommodation may also be made by a representative of the individual. If the request is received through a third party, the request should be confirmed with the individual who needs the reasonable accommodation, by way of submitting documentation directly from that individual and/or from the individual's health care provider. If an individual submits a reasonable accommodation request to a party other than Human Resources (e.g. the first-line manager) it should be forwarded to the Human Resources Office for consistent application of the reasonable accommodation process.

A request for a modification or adjustment to the customary application process, work environment or the job duties does not have to include specific language, such as "reasonable accommodation," "disability," or "ADA" to be considered a reasonable accommodation request. A reasonable accommodation request is any communication in which an individual asks or states that the individual needs a change because of a medical condition. An individual's manager or the District's Human Resources Office representative may reach out to an individual for clarification of their request for a reasonable accommodation if the initial communication is unclear.

Each request for reasonable accommodation will be processed on a case-by-case basis, to ensure the individual's specific functional limitation(s) are appropriately accommodated.

B. The Interactive Process

The District's Human Resources Office will manage and respond to requests for reasonable accommodations as soon as feasible. For accommodation requests for job applicants or candidates, the process would be an especially high priority and begin immediately upon request so that the individual does not miss the opportunity to compete for the job.

A request will initiate the interactive process that will be conducted between the District and the individual in good-faith and in a timely manner. The shared goal of the process is to identify a reasonable accommodation that is consistent with the District's organizational goals and allows the individual to safely and fully perform their job functions.

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2 The interactive process involves securing documentation from an individual’s medical or health
3 care provider and conducting meetings between department manager(s), the individual, and the
4 District’s Human Resources’ representative to assess and determine reasonable accommodation
5 options. Other departments, a third-party vendor, as well as outside disability-related
6 organizations, may be consulted depending on the type of request sought.
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8 If the disability or need for accommodation is obvious or adequate medical documentation has
9 already been provided for other reasons (i.e. Family Medical Leave Act, Workers Compensation),
10 medical documentation may not be required.
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12 C. Health Care Provider Certification

13 The individual will be asked to provide documentation from their medical provider with a listing
14 of their specific work restrictions and/or functional limitations unless the disability or need for
15 accommodation is obvious. The District’s Human Resources Office may also give the individual a
16 medical questionnaire form with a list of questions for their health care provider or other
17 appropriate professional to complete. The individual’s job description, when available, will be
18 included so that the medical provider may have an informed opinion as to any accommodations
19 that will both meet the job requirements, and help to maintain positive health.
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21 Information that should be provided in the health care provider’s documentation include:

- 22 1. Verification that the individual has a disability;
- 23 2. A listing of the individual’s work restrictions and/or functional limitations;
- 24 3. Recommendations for specific reasonable accommodation(s); and
- 25 4. Indication of whether the limitations are temporary or permanent; if the functional
26 limitations are temporary, a time frame for when they are expected to end must be
27 provided.
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30 The District will not request, nor can it receive, any legally protected and private medical
31 information from the individual or their health care provider that relates to medical diagnosis,
32 treatment plan, medications or genetic information of the individual or family member.
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34 D. Fitness for Duty Examination

35 If, after several attempts, the District is unable to secure sufficient and clear documentation from
36 the individual, the ADA states that the District has the right to coordinate a Fitness for Duty
37 Examination with a qualified health care provider for any of the following reasons:
38

- 39 1. It is job related.
- 40 2. It is consistent with business necessity.
- 41 3. If the District reasonably believes that the individual’s condition may impact their ability
42 to perform the essential functions of the job.
- 43 4. If the individual poses a direct threat to their own safety or the safety of others.
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45 When a Fitness for Duty Examination is coordinated, the individual is obligated to cooperate with
46 the process. A failure to do so could result in delayed consideration or denial of a request.
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2 E. Assessing Options for Reasonable Accommodation
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4 After a request for accommodation has been made, and confirmed by a health care provider, the
5 next step in the interactive accommodation process is to determine what, if any, reasonable
6 accommodation should be provided. During the interactive process, the District's Human
7 Resources Office will support the individual requesting the accommodation and make
8 collaborative efforts with the individual's manager, and, if requested, a representative selected
9 by the employee, to determine the most effective reasonable accommodations to implement.

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11 The interactive process and accommodation discussion shall include:

- 12 1. Reviewing the individual's job description and the essential functions of their position.
- 13 2. Reviewing the individual's work restrictions or limitations that need reasonable
14 accommodation.
- 15 3. Having an interactive discussion in the form of a meeting, about what accommodation
16 solution(s) may support the individual in successfully meeting the requirements of the
17 job.
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20 F. Determination of Reasonable Accommodation
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22 A reasonable accommodation should support the individual in safely performing the essential
23 functions of their position.

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25 An accommodation is deemed reasonable under the ADA if the accommodation does not pose a
26 safety concern to the individual or others or cause an undue hardship.
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28 Reasonable accommodation options are evaluated and determined based on an individual's
29 unique situation and are dependent on the individual's functional limitations and/or work
30 restrictions, accommodation needs and the impact on job performance. The effect on operational
31 and/or business needs of the District is also considered before accommodations are determined.
32 Some accommodations are implemented on a long-term basis, while others may last for a
33 temporary period. Implementing a temporary accommodation offers the opportunity to evaluate
34 an accommodation for its effectiveness before making the decision to implement the change on
35 a long-term basis. Temporary accommodations may not always be considered reasonable to offer
36 on a long-term basis.
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38 When a temporary accommodation is implemented, and before any further extensions are
39 offered, the individual will be required to submit updated health care provider documentation by
40 the end date for the temporary work restrictions. Follow-up discussions to re-assess the
41 temporary accommodations will be conducted to evaluate their effectiveness in supporting the
42 individual's recovery and in safely performing their job duties.
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44 If an approved reasonable accommodation is implemented and is no longer effective, a follow-up
45 interactive process discussion will be held.
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47 If a request for accommodation cannot be supported and is denied, the denial and rationale will
48 be communicated to the individual requesting the accommodation during the interactive process.

1 The District will continue to explore additional options and may offer the individual a leave of
2 absence as the form of accommodation.

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4 II. Lactation Accommodation

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6 Employees have the right to request lactation accommodation, and should make the request to the Senior
7 Director of Human Resources or their designee, who will respond to the request within five business days.

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9 An overtime-eligible employee who wishes to express breast milk for her infant child during scheduled
10 work hours will receive additional unpaid time beyond the 15-minute compensated rest period. Breaks
11 may be reasonably delayed if they would seriously disrupt operations. Lactation breaks should not be
12 interrupted except for emergency or exigent circumstances.

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14 The District will make reasonable efforts to accommodate employees by providing an appropriate location
15 to express milk in private. The District will attempt to find a location in close proximity to the employee's
16 work area, and the location will be other than a bathroom. The location shall contain a surface to place a
17 breast pump and personal items, a place to sit, and have access to electricity or alternative devices,
18 including, but not limited to, extension cords or charging stations, needed to operate an electric or
19 battery-powered breast pump. Access to a sink with running water and a refrigerator or other suitable
20 cooling device suitable for storing milk in close proximity to the employee's workspace will also be
21 provided.

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23 Employees occupying such private areas shall either secure the door or otherwise make it clear to others
24 through signage that the area is occupied and should not be disturbed. All other employees should avoid
25 interrupting an employee during an authorized break under this section, except to announce an
26 emergency or other urgent circumstance.

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28 Employees may file a complaint with the Labor Commissioner for any alleged violation of Labor Code
29 Sections [1030 et seq.](#), which governs lactations accommodations.

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31 Any employee storing expressed milk in any authorized refrigerated area within the work area shall clearly
32 label it as such. No expressed milk shall be stored at the work area beyond the employee's workday.

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34 III. Domestic Violence, Sexual Assault, or Stalking Accommodation

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36 The District will also engage in the interactive process and provide reasonable accommodations to
37 employee-victims of domestic violence, sexual assault, or stalking, that would protect the safety of
38 the employee-victim engaged in District employment or District-related business. The goal is to
39 identify safety-related accommodations that do not cause undue hardship and that do not
40 compromise the safety and health of all employees.

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42 If an individual requests an accommodation for their safety, and it relates to being a victim of domestic
43 violence, sexual assault, or stalking, the District may require the individual to provide a written
44 statement regarding the need for the accommodation, and a certification of their status as a victim of
45 domestic violence, sexual assault, or stalking. In addition, the District may request recertification of
46 the documentation after a certain period of time. If circumstances change and the employee needs
47 a new accommodation, the District will restart the interactive process.

1 IV. Religious Belief or Observance
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3 Although there are no legal requirements for the District to engage in the interactive process for
4 employees with religious belief or observance, the District will make a good faith effort to provide
5 reasonable accommodations for such requests. Religious creed, religions, religious observance,
6 religious beliefs and creed include all aspects of religious belief, observance, and practice, including
7 religious dress and grooming practices. Religious dress practice is construed broadly to include the
8 wearing or carrying of religious clothing, head or face coverings, jewelry, artifacts, and any other item
9 that is part of the observance by an individual or their religious creed. An individual or their religious
10 creed construes religious grooming practice broadly to include all forms of head, facial, and body hair
11 that are part of the observance.
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13 **References:**

14 Government Code Sections [12926](#), [12940](#), and [12945](#); Labor Code Sections [230](#) and [1030 et seq.](#); Title 2
15 Sections [11040 et seq.](#), [11050 et seq.](#), and [11060 et seq.](#); [29 U.S. Code Section 207\(r\)](#); [42 U.S. Code Sections](#)
16 [12101 et seq.](#); [42 U.S. Code Sections 2000e et seq.](#); [29 Code of Federal Regulations Parts 1605.1 et seq.](#)
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18 **Procedure Last Revised:** January 11, 2023

19 **Last Reviewed:** January 11, 2023