



Blue Mountain Community College *Administrative Procedure*

Procedure Title: Workplace Accommodations
Procedure Number: 03-2020-0002
Board Policy Reference: IV.C. Equality of Opportunity
NWCCU Standard:

Accountable Administrator: President
Position responsible for updating: Chief Human Resources Officer
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Purpose/Principle:

Employees are expected to perform the essential functions of the position for which they were hired, with or without reasonable accommodations. Human Resources (HR) is responsible for determining an employee's eligibility for accommodations and for implementing those accommodations and services according to the Americans with Disabilities Act (ADA), the ADA Amendments Act of 2008, and Section 504 of the Rehabilitation Act.

It is the purpose of this procedure to outline steps an employee should take when requesting an accommodation, and steps managers should take when such a request is received. This procedure also outlines the process an employee should use if making a complaint. The applicant, candidate, or employee has the responsibility to request an accommodation.

Interactive Process (IP)

The interactive process is a collaborative effort between the employee and College representative to discuss the need for an accommodation as well as identify effective accommodation solutions. The interactive process begins when an employee discloses a disability/health condition and requests an accommodation, a manager or Human Resources representative recognizes an obvious challenge of an applicant, candidate, or employee due to a disability, or when an employee returns to work with an on-going health care condition or disability. A robust interactive process demonstrates good faith and promotes a disability inclusive workplace.

An accommodations request does not have to include any special words, such as "reasonable accommodation," "disability," or "ADA." A request is any communication in which an individual asks or states that the applicant or employee needs a change because of a medical condition. A supervisor or the Director of Human Resources needs to ask an individual whether they are requesting a reasonable accommodation if the nature of the initial communication is unclear.

Requesting Reasonable Accommodation for Employees Procedure:

Step 1 An employee may make a written request directly to their immediate supervisor or to the Director of Human Resources. Any supervisor notified of a disability shall immediately report the same to the Director of Human Resources. The Director of Human Resources will meet with the employee to discuss an accommodation.

Step 2 The employee should complete the "Reasonable Accommodation Form for Employees with Disabilities" and submit it to the Director of Human Resources.

Upon request, the employee shall provide medical certification to the Director of Human Resources. To expedite the request, the employee should have their physician complete the Medical Inquiry Form. If possible the employee should provide a copy of their position description to the physician along with the form.

Both forms (the Reasonable Accommodation Form for Employees with Disabilities and Medical Inquiry) and other supporting documentation should be sent to the Director of Human Resources.

Step 3 Once the Director of Human Resources receives all of the medical and other information deemed necessary, they will determine in consultation with others on a need-to-know basis whether the workplace modification/accommodation sought will be granted, denied, or whether an alternative modification/accommodation is appropriate.

After completing the accommodation review, the Director of Human Resources shall prepare a response to the employee's request. The response will be prepared within 30 calendar days unless an extension is requested. The response will go to the employee and employee's supervisor. **Note:** The time frame will stop on the day that the Director of Human Resources makes a request to the individual to obtain medical information or sends out a request for information/documentation, and will resume on the day that the information/documentation is received by the Director of Human Resources. It is therefore recommended that the requestor work closely with their health care provider to expedite their response to the College's inquiry.

The Director of Human Resources will work with the employee and the supervisor to implement any agreed accommodation, to monitor the effectiveness of the accommodation and to update it periodically if needed.

A particular accommodation request may not be granted if it presents an undue hardship.

An employee may revisit an accommodation with the Director of Human Resources if needed.

Appeal Procedure

If the employee is not satisfied with the results of the accommodation request, they can make a written appeal to the VP of Administrative Services within 14 calendar days unless an extension is requested. The VP of Administrative Services shall issue a written response within 14 calendar days of receiving the appeal unless an extension is requested.

Confidentiality

Ensuring the confidentiality of all medical information obtained in connection with a request for reasonable accommodation, as well as the confidentiality of all associated communications during the interactive process is required by federal law.

All documentation must be kept in a file separate from an individual's personnel file. Non-medical information obtained during this process is shared on an as needed basis with those involved in providing a reasonable accommodation.

Definitions

Disability

An individual is considered to have a disability if they have a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment.

Reasonable Accommodation

A modification or adjustment to the job application process, work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enables a qualified individual with a disability to be considered for the position, or to perform the essential functions of that position.

Reasonable accommodations are also modifications or adjustments that enable an employee with a disability to enjoy equal benefits and privileges of employment that are enjoyed by other similarly situated employees who do not have a disability.

Essential Functions

Job functions which are fundamental to a position and which an employee must be able to perform with or without reasonable accommodation. A job function may be essential because:

1. It is the sole reason the position exists;
2. There are a limited number of employees, so the function cannot be assigned to someone else;
3. It is a highly specialized function that the incumbent was hired to perform because of their specialized skills;
4. The amount of time spent performing the function is significant; or
5. The consequences of not performing the function are serious.

Qualified individual

A qualified individual with a disability is a person who meets legitimate skill, experience, education, or other requirements of an employment position they holds or seeks, and who can perform the essential functions of the position with or without reasonable accommodation.

Undue Hardship

Undue hardship is determined on a case-by-case basis; a requested accommodation would cause undue hardship if it requires significant difficulty or expense when considered in light of a number of factors including, but not limited to, the nature and cost of the proposed accommodation, the financial resources of the College and the effect of the accommodation upon expenses and resources, and the impact of the proposed accommodation on the College's operations. Fundamentally changing the essential functions of a job is also considered an undue hardship.

Legal References: