
DEFINITIONS

The definitions listed are from the Americans with Disabilities Act of 1990, 29 C.F.R 1630.2

Disability: a physical or mental impairment that substantially limits one or more major life activities of an individual; a record of having such an impairment, or being regarded as having such an impairment.

Major Life Activities: include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Qualified Individual with a Disability: an individual with a disability whose experience, education, and/or training enables the person, with or without reasonable accommodation, to perform the essential functions of the job.

Reasonable Accommodation: the effort to make adjustments for the impairment of an employee or applicants for employment by structuring the job or the work environment in a manner that will enable the individual with a disability to perform the essential functions of the job. Reasonable accommodations may include, but are not limited to, making facilities accessible, adjusting work schedules, restructuring jobs, providing readers or interpreters, and modifying work sites.

Undue Hardship: an employer is not required to make an accommodation if it would impose an undue hardship. The concept of undue hardship includes any action that is unduly costly, extensive, or disruptive.

PROCEDURES TO REQUEST ACCOMMODATIONS:

Temporary Disability

Although the American's with Disabilities Act does not cover temporary disability, the District will make every effort to accommodate an employee with a temporary disability. An employee who needs a modified work environment as the result of a temporary disability (30 calendar days or less) is encouraged to discuss the request for accommodation with his or her immediate supervisor to determine its feasibility. The supervisor may want to consult with the ADA Coordinator or Human Resources Analyst and Environmental Health and Safety for assistance regarding the request.

Long-Term or Permanent Disability

An employee who becomes disabled and is qualified to perform the essential functions of his/her job with reasonable accommodations should first discuss the need for accommodation with his/her supervisor. The following process shall be followed by employees to request accommodations:

All formal requests for reasonable accommodation shall be submitted in writing using the Disability Accommodation Request Form. The completed form, along with appropriate documentation (i.e., from the employee's physician, Department of Rehabilitation, etc.) should be forwarded to the ADA Coordinator.

Note:

All medical information obtained throughout the determination process is considered a "confidential medical record," and will be reviewed only by the ADA Coordinator (or designee) and legal counsel for the ADA Coordinator. The ADA Coordinator will keep the medical information and the completed Disability Accommodation Request Form in the confidential compliance office files, separate from personnel records.

The District Compliance Officer will consult with the Human Resources Analyst for Workers' Compensation and the Coordinator of Environmental Health and Safety, as appropriate, to determine ramifications of the request, if any, on each of their areas.

If it is determined that the request does not involve significant issues of expense, the ADA Coordinator may recommend approval of the request and arrange for the modification(s).

If the accommodation request involves significant issues or expenses, the ADA Coordinator shall consult with the Environmental Health and Safety Department and any other appropriate experts to determine the following:

- Are the job functions for which the accommodation is required essential to the overall performance of the job?
- Is the employee otherwise qualified to perform the essential job functions?
- Does the accommodation accomplish the desired result, i.e., allowing the individual to perform the essential functions of the job effectively?
- Will the accommodation adversely affect the productivity of the work environment of other employees in the work unit?
- Will the cost of the accommodation create undue hardship for the department of the College?
- Are there other, more cost-effective options that will allow the individual to perform the essential function of the job?
- Are the accommodations available from other sources? For example, in cases where our Workers' Compensation insurance carrier is working with an individual as the result of an on-the-job injury, the insurance company may purchase equipment for the employee.

Should a requested accommodation involve barrier removal or modification(s) beyond the scope of the department, such as general facilities modification, the ADA Coordinator shall process the request through the appropriate administrator in charge of facilities, in consultation with the appropriate component administrator.

The ADA Coordinator shall inform the employee of the District's decision to approve or deny the employee's request in writing, within ten (10) working days, using the Disability Accommodations Request Form. If an accommodation request is denied, a copy of the appeal process shall be attached to the copy of the Request form being returned to the employee.

If accommodations are provided, the employee and his or her supervisor shall evaluate the effectiveness of the accommodation. If, as a result of this review, modifications to the accommodation are needed, the modifications should be requested using the same procedures as for the initial request.

If an employee acquires a disability and the College is not able to make reasonable accommodations that allow the individual to continue in his or her current position, the College may explore possibilities for placement in other positions within the institution. If good faith efforts fail to accommodate or place the employee in alternative employment, it may be necessary to recommend other alternatives.

THE APPEAL PROCESS

If an employee disagrees with the initial decision regarding an accommodation request, the employee has a right to appeal using the following procedure:

- An appeal stating the reasons for the disagreement must be filed in writing with the ADA Coordinator within thirty (30) calendar days of the date of the initial decision as shown on the Disability Accommodation Request Form.
- The ADA Coordinator will forward the appeal, along with the original request and documentation, to the President, or designee. The President or designee will review the initial decision and any additional information or statements supplied by the employee, and will render a decision regarding the appeal.
- If the employee is dissatisfied with the decision of the President or designee, he/she may request that the Board of Trustees review the matter. Additionally, the employee has the right to file a complaint with the appropriate government agencies.