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BP _____ Reasonable Accommodation and Ergonomic Assistance

for Employees and Applicants

References:

Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Section 794); Americans with Disabilities Act of 1991 (42 U.S.C. Section 12100 et seq.; 20 U.S.C. Section 1681 et seq.); ADA Amendments Act of 2008 (42 U.S.C. Section 12101 et seq.); California Fair Employment and Housing Act (Gov. Code Section 12940 et seq.; Title 8 California Code of Regulations Section 5110)

The College is committed to providing reasonable accommodations to its employees and applicants for employment to ensure that individuals with disabilities enjoy equal access to all employment opportunities and benefits provided to similarly situated employees without disabilities. Applicants and employees who have a physical, mental or medical condition that limits a major life activity, as these are defined in law, are considered disabled.

Certified

The College shall implement procedures for accepting, evaluating and making recommendations on requests for reasonable accommodations:

- when an applicant with a disability needs an accommodation to have an equal opportunity to compete for a job;
- when an employee with a disability needs an accommodation to perform the essential functions of the job or to gain access to the workplace; and
- when an employee with a disability needs an accommodation to enjoy equal access to benefits and privileges of employment.

An accommodation shall be unreasonable if it imposes an undue hardship on the College or a significant risk to the health, safety or well-being of individuals with disabilities or others.

The College is also committed to enhancing the health and safety of all employees who may be exposed to ergonomic hazards in the performance of their jobs. A procedure shall be implemented for accepting, evaluating and making recommendations on requests for ergonomic assistance.

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The College is committed to providing reasonable accommodations to its employees and applicants for employment to ensure that individuals with disabilities enjoy equal access to all employment opportunities and benefits provided to similarly situated employees without disabilities. Under the law, persons with a physical, mental or medical condition that limits a major life activity are considered disabled. *certified*

The College is also committed to enhancing the health and safety of all employees who may be exposed to ergonomic hazards in the performance of their jobs.

The following procedure shall be implemented for accepting, evaluating and making recommendations on requests for reasonable accommodation and/or ergonomic assistance. The College shall provide request forms and ensure timely resolution of requests.

Review Team

Evaluations and recommendations shall be made by a team comprised of the Director, Equal Employment Opportunity (EEO) Programs and the Manager, Environmental Safety & Emergency Services. The team may add additional persons, when it deems it necessary, on particular requests.

Requests

Any employee may submit an Ergonomic/Reasonable Accommodation Request. A request for ergonomic assistance may be submitted on behalf of an employee by a third party or by the employee's supervisor. Any employee stating a need to the College for an adjustment or change at work related to a medical condition shall be asked to complete a written request form. Requests must be submitted to the Director, EEO.

Evaluation

An employee with a request on file may be asked to provide documentation from a health care provider, if needed, to establish they have a disability as defined under law or to ascertain the need for ergonomic assistance. For Ergonomic Requests, an evaluation of the physical demands of the employee's job, job site and/or work station may be necessary.

For Reasonable Accommodation Requests, the Review Team will meet with the employee with a disability in an interactive process to identify the precise job-related limitations, discuss how they can be overcome with a reasonable accommodation, identify potential accommodations and assess their effectiveness. The purpose of this process is to determine if the employee can perform the essential functions of their job, with or without accommodation.

The evaluations conducted herein may result in assistance or accommodations that are considered temporary, permanent or of a specified duration.

Recommendations and Notifications

The employee, supervisor and relevant administrative departments will be notified by the Director, EEO of the Review Team's final recommendation on a request. If a request is denied, the employee will be provided with the reason for the denial.

Definitions

- A. Reasonable Accommodation: Any appropriate measure that would allow the applicant or employee to perform the essential functions of the job.
- B. Essential Functions: The basic job duties that an employee must be able to perform, with or without reasonable accommodation. Factors to consider in determining if a function is essential include: whether the position exists to perform that function, the number of employees available to perform the function or among whom the function can be distributed, and the degree of expertise or skill required to perform the function. Other considerations are the employer's judgement as to which functions are essential, a written job description prepared before advertising or interviewing, the actual work experience of current or past incumbents, time spent in performing a function, the consequences of not requiring that an employee perform a function, and the terms of a collective bargaining agreement. The employer is not required to eliminate an essential job function or lower production standards.

- C. Disability: Refer to The California Fair Employment and Housing Act for fuller definitions of the following:
1. Physical Disability: Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that affects one or more body systems and limits a major life activity.
 2. Mental Disability: Having any mental or psychological disorder or condition that limits a major life activity; or having a record or history of such, which is known to the employer.
 3. Medical Condition: Any health impairment related to or associated with a diagnosis of cancer, or a record or history of cancer, or a genetic characteristic.
- D. Major Life Activities: The final regulations of the ADA Amendments Act provide a non-exhaustive list of examples of major life activities: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working. The final regulations also state that major life activities include the operation of *major bodily functions*, including functions of the immune system, special sense organs and skin, normal cell growth, digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions.
- E. Limits a Major life Activity: Under California law (FEHA), a person is disabled if their physical, mental or medical condition makes the achievement of the major life activity difficult.
- F. Health Care Provider: Physicians, surgeons and other health care practitioners as defined in the Fair Employment and Housing Act.
- G. Ergonomic Assistance: Providing training, supplies, equipment or other strategies to prevent, eliminate or reduce Musculoskeletal Disorders (MSDs) in the workplace. MSDs affect the muscles, nerves, blood vessels, ligaments and tendons. Workers can be exposed to risk factors at work, such as lifting, pushing or pulling heavy items, bending, reaching overhead, working in awkward body postures and performing the same or similar tasks repetitively. Exposure to these known risk factors for MSDs increases a worker's risk of injury.