

Procedure 6.0802

Employee Reasonable Accommodation Procedure

I. Scope

This procedure applies to all qualified employees and applicants with a disability. See Section III for definitions of terms.

II. Purpose

The College is committed to providing individuals with disabilities equal opportunities in all phases of employment. The College will, in good faith, provide reasonable accommodations for its qualified applicants and employees as required by the Americans with Disabilities Act of 1990, as amended (the “ADA”) and the Rehabilitation Act of 1973, as amended, and their implementing regulations, and consistent with The College anti-discrimination policies.

Retaliation against an individual with a disability for requesting an accommodation is prohibited.

III. Definitions

These definitions summarize terms defined by regulations implementing the ADA and the Rehabilitation Act.

Accommodation – A modification, change or adjustment to an individual’s job, work conditions or work environment, or to the job application process for an applicant. An accommodation can be a change to the way job functions are typically performed, made in order to allow a qualified individual with a disability to perform the job.

Applicant – An individual pursuing employment with the College by submitting appropriate application materials for a specific, vacant position.

Disability – A physical or mental impairment that substantially limits one or more of an individual’s major life activities. Major life activities means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing,

learning, and working. The College's determination of whether an impairment substantially limits a major life activity will be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment, appliances, or prosthetics, except for ordinary contact lenses and eyeglasses.

Employee – Any College employee including instructional faculty, professional and professional faculty, and operational, classified and hourly employees.

Qualified – an employee or applicant is qualified if he or she is able to complete the essential functions of his or her job with or without reasonable accommodation; an applicant must also satisfy the minimum qualifications for the job for which he or she is applying in order to be considered qualified.

IV. Reasonable Accommodations

- Employees and applicants must identify themselves as having a disability and request reasonable accommodation, as described in Section V below. The College has no duty to seek out and determine the need for an accommodation absent a specific request from an employee or applicant.
- Employees and applicants must be qualified (as defined in Section III) in order to be eligible to receive accommodations.
- The College is not required to eliminate an essential job function as an accommodation for a disability. "Essential job function" is a fundamental function of the position or the primary reason the position exists.
- The College is not required to lower performance standards – whether qualitative or quantitative. The College may, however, have to provide reasonable accommodation to enable an employee with a disability to meet a performance standard.
- Cost or other impact of a requested accommodation may be measured against the accommodation's efficacy in determining whether it is reasonable.
- No change or modification is required if it would cause undue hardship to the College. Undue hardship refers not only to financial difficulty, but to accommodations that are unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature or operation of the College's work.

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- The College will attempt to provide the reasonable accommodation requested, but may choose among reasonable accommodations as long as the chosen accommodation is effective. Through an interactive process, the College may offer alternative suggestions for reasonable accommodations and discuss their effectiveness in removing the workplace barrier that is impeding the individual with a disability.
- The College has no duty to provide personal items needed to accomplish daily activities both during and outside of working time. This includes items such as eyeglasses, hearing aids, and prosthetic limbs.

V. Procedure to Request a Reasonable Accommodation

Employees and applicants are responsible for requesting reasonable accommodation, and providing adequate documentation of their disability and the need for accommodation, as needed.

A. Applicants.

1. **Modifications to Application Process or Requirements.** Applicants may request accommodations in the hiring process or application itself – such as a modification in the manner in which an application is filed. Applicants are responsible for making specific requests so that the College can provide reasonable accommodations; the College will not ask applicants whether they have a disability or need an accommodation (unless the applicant indicates that he or she needs an accommodation). Applicants must make these requests in advance; the College will not make retroactive accommodations. Applicant requests for reasonable accommodation in the hiring process may be made to the hiring supervisor or human resources personnel; any supervisor or other personnel receiving the request for accommodation must contact the Office of Human Resources for guidance.
2. **Discussing Disability and Accommodations during the Hiring Process.** The College will not ask applicants whether they have a disability or ask any questions regarding a disability disclosed by the applicant, but may ask applicants whether they are able to perform the essential functions of the job being applied for – with or without accommodation. If an applicant indicates that he or she can perform

the essential functions with accommodation, the College may inquire about the accommodation needed.

B. Current Employees.

Employees requesting accommodation should be referred to the Office of Human Resources to complete a **Disability Accommodation Request Form**. The employee must indicate the specific way in which his or her disability limits his or her ability to perform the essential functions of his or her job; this shows the College why an accommodation is needed. The employee must also offer or request a reasonable accommodation. The Office of Human Resources may request additional information, including medical (1) documentation of the individual's functional limitations verifying the disability, which can include a second and even third opinion, and (2) prognosis of a particular, demonstrated or known symptom of the employee's disability occurring, when relevant to the duties of the job.

The Office of Human Resources will consult with the employee and the supervisor or department head as needed to determine the essential functions of the job, identify possible accommodations, and assess the possible accommodation's reasonableness and efficacy in assisting the employee. The Office of Human Resources will make an accommodation determination and provide an accommodation approval letter, if appropriate. An employee disagreeing with a determination may appeal it; see Section VII below.

After receiving the accommodation approval, an employee should contact the Office of Human Resources if:

- a supervisor or other College employee is not implementing or recognizing an approved accommodation, or if they have other problems implementing the accommodation; or
- the approved accommodation, whether because of changes in the employee's disability, work conditions, or otherwise, proves to be or becomes ineffective.

VI. Confidentiality

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Inquiries about and information regarding requests for accommodation shall, whenever possible, be kept confidential in accordance with applicable College policies. Supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations.

VII. Appeals/Grievance Procedures

An employee may seek review of a disability decision under this procedure by contacting the [ADA/Rehabilitation Act Coordinator](#). The Coordinator will review the accommodation determination and make any other investigation needed, including consideration of any records or information provided by the employee. The Coordinator may require the employee to provide additional information or documentation as necessary. The Coordinator will report her findings to the President. The President will provide a letter of determination to the employee and any other necessary parties. The President's determination may agree with the original determination or may direct some change to be made. The review and determination will be made within 30 days of the review being sought, unless the deadline is extended for good cause.

The President's determination is final; there is no further appeal provided under this procedure. Employees may also have a grievance right under separate state or College policy, however. Employees may contact the College's Department of Human Resources for further information. Professionals and professional faculty should look to the College [Grievance Procedure](#). The College encourages employees to use these procedures before pursuing remedies outside the College, but employees have the right to file a complaint directly with the Equal Employment Opportunity Commission.

VIII. Interpretation and Compliance; ADA/Rehabilitation Act Coordinator

Questions about this procedure or rights and responsibilities concerning discriminatory behavior, including the application of the ADA and the Rehabilitation Act, may be brought to the College's [ADA/Rehabilitation Act Coordinator](#) or the Office of Human Resources. The ADA/Rehabilitation Act Coordinator has the primary responsibility for coordinating the College's efforts to comply with the ADA and the Rehabilitation Act. These responsibilities include monitoring compliance with related policies and procedures.

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References

Legal References: *Enter legal references here*

SACSCOC References: *Enter SACSCOC references here*

Cross References: BCCC Equal Employment Opportunity, ADA, Non-Discrimination and Anti-Harassment (including Sexual Harassment) Policy, Employment Policy

History

Senior Staff Review/Approval Dates: *Enter date(s) here*

Board of Trustees Review/Approval Dates: *Enter date(s) here*

Implementation Dates: *Enter date(s) here*