



Pima County Community College District Administrative Procedure

AP Title:

**Americans with Disability Act
Reasonable Accommodation
Guideline for Employees/
Applicants**

AP Number:

AP 5.10.04

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Sponsoring Unit/Department:

Human Resources

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Equal Employment Opportunity, ADA,
Non-Discrimination and Anti- Harassment
(including Sexual Harassment) BP 5.10

Legal Reference:

Americans with Disabilities Act of 1990 as amended; Title VII of the Civil Rights Act of 1964; Rehabilitation Act of 1973, as amended (Section 504).

Cross Reference:

SECTION1: General Scope

Pima College will provide reasonable accommodation(s) to qualified employees or applicants with disabilities, unless to do so would cause undue hardship. The College provides 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 (e.g. trainings, College-sponsored events).

The College will process requests for reasonable accommodation and will provide reasonable accommodations where appropriate, in a prompt and efficient manner.

The College's Employee Service Center ("ESC") ESC oversees the College's reasonable accommodation process for employees and applicants. All employee and applicant requests for reasonable accommodation will be handled by the ESC or-designee. The ESC may be contacted as follows:

Employee Service Center
Pima Community College District Office
4905 E. Broadway Blvd.
Tucson, AZ 85709-1235
(520) 206-4945
Email: ADA-ESC@pima.edu

While the ESC will handle all requests for reasonable accommodations, supervisors and administrators often will need to be consulted about specific requests. Therefore, all administrators and supervisors must be familiar with this Administrative Procedures ("AP").

SECTION 2: Definitions and Concepts

2.1 Individual (Employee or Applicant) With a Disability

An individual with a disability is any person who has a physical or mental impairment which substantially limits one or more major life activities or has a record of such impairment. Also, any individual who has a relationship with or is a primary caregiver for a person with a disability is protected from discrimination under the ADA.

An individual with a disability does not include someone who (1) is a current substance user/abuser or (2) poses a "direct threat" to others which cannot be adequately reduced or eliminated by reasonable accommodation. Under the ADA, "direct threat" means a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation.

Disabilities include, but are not limited to, deafness, blindness, intellectual disability, partially or completely missing limbs, mobility impairments requiring use of a wheelchair, autism, cancer, cerebral palsy, diabetes, epilepsy, HIV/AIDS, multiple sclerosis, muscular dystrophy, major depression, bipolar disorder, post- traumatic stress disorder, obsessive-compulsive disorder, and schizophrenia. An impairment that is episodic or in remission meets the definition of disability if it would substantially limit a major life activity when active.

In determining major life activities, the term “major” is not to be interpreted strictly to create a demanding standard for disability.

2.2 Reasonable Accommodation

A reasonable accommodation is any change in the workplace or the way things are customarily done that provides an equal employment opportunity to an individual with a disability. While there are some things that are not considered reasonable accommodations (e.g., removal of an essential function or personal use items such as a hearing aid that is needed on and off the job), reasonable accommodations cover most things that enable an individual to apply for a job, perform a job, or have equal access to the workplace and employee benefits such as kitchens, parking lots, and office events.

Some examples of accommodations include acquiring or modifying equipment, job restructuring, use of assistive animal, modifying work schedules, reassignment to a vacant position, adjusting or modifying examinations, training materials or policies, providing readers and interpreters, and making the workplace readily accessible to and usable by people with disabilities.

The College will implement an accommodation as long as:

- It is reasonable.
- It is medically necessary (i.e., there is competent medical evidence establishing a relationship between the disability and the need for accommodation).
- It does not impose an undue hardship on the College. Undue hardship is defined by the ADA as an action that is “excessively costly, extensive, substantial, disruptive, or that would fundamentally alter the nature or operation of the business.”

Reasonable accommodation will be determined on a case-by-case basis.

2.3 Qualified to Perform the Essential Functions of the Job

An individual with a disability must be qualified to perform the essential functions of the job with or without reasonable accommodation. This means that the employee/applicant must:

- satisfy job requirements for educational background, employment experience, skills, licenses, and any other qualification standards that are job related; and
- be able to perform those tasks that are essential to the job, with or without reasonable accommodation.

2.4 Essential Functions of the Job

Essential functions are the fundamental job duties or requirements of a particular job. Essential functions cannot be eliminated or substantially modified without changing the nature of the job. Essential functions do not include the marginal functions of a job.

Factors to consider in determining if a function is essential include: (a) whether the reason the position exists is to perform that function, (b) the number of other employees available to perform the function or among whom the performance of the function can be distributed, (c) the degree of expertise or skill required to perform the function, (d) judgment of the College concerning which functions are essential, and written job description prepared before advertising or interviewing for a job; (e) the actual work experience of present or past employees in the job, (f) the time spent performing a function, and (g) the consequences of not requiring that an employee perform a function.

SECTION 3: Requesting Reasonable Accommodation

An employee or applicant must let the College know that he or she needs an adjustment or change concerning some aspect of the application process, the job, or a benefit of employment for a reason related to a medical condition. An employee or applicant may request a reasonable accommodation at any time, verbally or in writing.

An individual should request a reasonable accommodation from the ESC. For applicants, contact information to request an accommodation is provided on the vacancy announcement. If an employee makes a reasonable accommodation request to someone other than the ESC such as a supervisor or administrator, the supervisor/administrator should immediately forward the request to the ESC.

An individual's receipt or denial of an accommodation does not prevent the individual from making another request at a later time if circumstances change and he or she believes that an accommodation is needed due to limitations from a disability (e.g., the disability worsens or an employee is assigned new duties that require an additional or different reasonable accommodation).

A request for an accommodation does not have to include any special words, such as "reasonable accommodation," or "disability." A request is any communication in which an individual asks or states that she/he needs the College to provide or to change something because of a medical condition.

A family member, health professional or other representative may request an accommodation on behalf of an employee or applicant. For example, a doctor's note outlining medical restrictions for an employee is a request for reasonable accommodation. When a third party requests accommodation on behalf of an employee or applicant, the ESC should, if possible, confirm with the applicant or employee that he or she wants a reasonable accommodation.

SECTION 4: Processing a Request

The ESC is responsible for processing requests for reasonable accommodation. Once the ESC is notified of an employee's disability accommodation request, the ESC shall meet with the employee and assist him or her in completing a Request for Accommodation form. Request for Accommodation forms are available in the District's ESC or at www.pima.edu.

SECTION 5: The Interactive Process

5.1 Obligations of Employee and Applicant

An employee applicant is required to actively participate in the accommodation process by communicating their in a timely manner, providing necessary documentation of their disability, and attending any meeting that may be necessary to discuss their disability accommodation request. An employee who does not actively participate in the accommodation process shall not be considered qualified for the job.

5.2 Initial Meeting

At the initial meeting with an employee, the ESC shall begin discussing the

accommodation request. In some instances, the ESC may need to get information to determine if an individual's impairment is a "disability" under the ADA and Section 504 or to determine what would be an effective accommodation. Such information may not be necessary if an effective accommodation is obvious, if the disability is obvious (e.g., the requestor is blind or has paraplegia) or if the disability is already known to the ESC (e.g. from a prior request).

5.3 Consultation with Others

The ESC may need to consult with the employee's supervisor or other College staff or outside sources to obtain information necessary to make a determination about the request for accommodation. College staff are expected to respond to any such requests in a timely fashion.

5.4 Support

At any meeting held with the employee to discuss the employee's accommodation request, the employee may be accompanied by a person of their choice who is not an attorney. The person accompanying the employee will be allowed to be present during the interview or meeting but may not actively participate in any manner in the meeting. If the individual is a College employee, time spent accompanying either the Complaint or Respondent shall be considered time worked.

If an employee, due to a disability, needs a person to advocate for him or her in meetings held with the employee to discuss the employee's disability, the employee should request an accommodation. Such a request will be considered as a request for an accommodation and shall be considered as any other request for an accommodation.

5.5 Job Analysis of Essential Functions

A representative designated by the ADA Officer may conduct an analysis of the job of an employee requesting an accommodation. The job analysis shall identify the essential functions of the employee's job. The designated representative shall consult with the employee and the employee's supervisor. Essential functions are those that an employee must be able to perform with or without accommodation. They cannot be removed from the position without changing its nature. Duties that are not essential job functions may be modified, eliminated, replaced, or restructured as part of the accommodation process.

SECTION 6: Requests for Medical Information

If a requestor's disability and/or need for accommodation is not obvious or already known, the ESC is entitled to ask for and receive medical information showing that the requestor has a covered disability that requires accommodation. It is the responsibility of the employee and applicant to provide appropriate medical information requested by the ESC where the disability and/or need for accommodation are not obvious or already known.

Only the ESC may determine whether medical information is needed and if so, may request such information from the requestor and/or the appropriate health care provider. In many cases, the necessary health care information may also be obtained from a vocational rehabilitation representative.

Documentation is sufficient if it (1) describes the nature, severity, and duration of the employee's impairment, (2) describes the activity or activities that the impairment limits, (3) describes the extent to which the impairment limits the employee's ability to perform the activity or activities, and (4) substantiates why the requested reasonable accommodation is needed.

If the initial information provided by a health care provider or volunteered by the requestor is insufficient to enable the ESC to determine whether the individual has a disability and/or that an accommodation is needed, the ESC will explain what additional information is needed. The ESC may give the individual a list of questions to give to the health care provider or other appropriate professional to answer. The ESC may also ask the individual requesting accommodation to sign a limited release permitting the ESC to contact the health care provider for additional information.

To ensure confidentiality, all medical and/or psychological documentation provided to the College on behalf of an employee should be addressed directly to the ESC and be identified as "Confidential" by the sender.

On occasion, and depending on the nature of an employee's disability, an employee may be required to undergo further testing and/or evaluation by medical personnel retained by the College to verify the employee's disability and/or the need for accommodation. The cost of such evaluation and testing will be paid by the College.

SECTION 7: Confidentiality Requirements

Medical information obtained in connection with the reasonable accommodation process must be kept confidential. All medical information that the ESC obtains in

connection with a request for reasonable accommodation must be kept in files separate from the individual's personnel file. Any College employee who obtains or receives medical information is strictly bound by these confidentiality requirements.

The ESC may share certain information with an employee's supervisor or other College official on a need to know basis. The ESC will inform the recipient of any such medical information of these confidentially requirements. The information disclosed should be no more than necessary to process the request and will usually be based on safety concerns only.

SECTION 8: Resolution of the Accommodation Request

8.1 Time

The ESC will process requests and, where appropriate, provide accommodations in as short a period of time as reasonably possible.

8.2 Written and Verbal Notice

Once the ESC makes a decision regarding a request for accommodation written and oral notice will immediately be provided to the employee and oral notice to an applicant. Any denial will clearly state the specific reasons for the denial. Where appropriate, the employee's supervisor will also be notified of the ESC decision.

8.3 Implementation of Reasonable Accommodation

Once a determination has been made granting an employee a disability accommodation, the ESC will coordinate the purchase of any required equipment needed to implement an approved accommodation. Upon receipt of the item(s) the implementation of the accommodation(s) will begin immediately and its initiation is the responsibility of the employee's supervisor.

As part of the implementation process, the ESC shall issue a memo to the employee and the supervisor documenting the employee's accommodations. The employee's supervisor shall send confirmation to the ESC when an accommodation is put into place.

Any expense incurred in the process of implementing an accommodation will be approved and processed by the ESC.

8.4 Rejection of a Reasonable Accommodation

If an employee rejects a reasonable accommodation offered by the College, the employee will not be considered a “qualified individual with a disability,” and will not be considered protected by the ADA or Section 504. The employee will be expected to satisfactorily perform the essential functions of their job without accommodation.

8.5 Job Performance

An employee provided with a reasonable accommodation will be held to the same job performance standards and requirements as other employees without disabilities. Employee responsibilities include, but are not limited to, the duty to report to work on time, perform job duties in a satisfactory manner, work productively and cooperatively with others, and follow the orders of one’s supervisor.

8.6 Reassignment

If a determination is made that it is not possible to accommodate an employee in their current position, the College will attempt to place an employee in a vacant position that meets the following requirements:

- The position has the comparable or lower salary range or grade as the employee’s current position;
- The employee meets the position’s minimum qualifications and special skill requirements; and,
- The employee is able to perform the position’s essential functions with or without accommodation.

SECTION 9: Dispute Resolution

If an individual is dissatisfied with the resolution of an accommodation request under this AP, the individual can ask the Chief Human Resource Officer to reconsider the decision. An individual must request reconsideration within 10 business days of receipt of a written denial.

An individual may also file an external complaint with one of the outside agencies referenced in AP 5.10.03. A request for reconsideration will not extend the time limits for initiating a complaint with an outside agency.

SECTION 10: Training

The ESC will regularly provide College employees training and professional development activities related to accommodation issues.