

ADA REASONABLE ACCOMODATION

POLICY

Implementation Date: 8/28/2019

Definition

CSUSM shall upon request, strive to provide reasonable accommodation to an employee or applicant for employment with a disability or medical condition, to perform the essential functions of their jobs. Reasonable accommodation is determined by the CSU following its receipt of an individuals' request for accommodation and engagement in an interactive process with the individual to identify the appropriate reasonable accommodation given the nature and extent of the individual's disability or medical condition.

Authority

Section 503 and 504 of the Rehabilitation Act of 1973 as amended, Title I and II of the Americans with Disabilities Act, Department of Fair Employment and Housing, State and Federal law, and California State University Executive Orders 1111 and 1096.

Scope

All employees and applicants.

Revision Dates

07-01-2019, 05-19-2011

DocuSigned by:
Ellen J Neufeldt
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Ellen J. Neufeldt, President

8/28/2019

Approval Date

Revised: 7/1/19

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Revised: 5/19/11

In accordance with CSU Executive Orders 1111 and 1096, and state and federal law, CSUSM shall upon request, strive to provide reasonable accommodation to an employee or applicant for employment with a disability or medical condition, to perform the essential functions of their jobs. Reasonable accommodation is determined by the CSU following its receipt of an individual's request for accommodation and engagement in an interactive process with the individual to identify the appropriate reasonable accommodation given the nature and extent of the individual's disability or medical condition.

The following is the procedure to be followed by applicants or employees who are requesting a reasonable accommodation:

I. Applicants for Employment

Applicants for non-faculty positions who require an accommodation during the application process should contact the Office of Human Resources (OHR).

Applicants for faculty positions who require an accommodation during the application process should contact the Office of Faculty Affairs.

II. Current Employees

A current employee, including a student employee, who is requesting an accommodation for a disability, as defined by the California Fair Employment and Housing Act (FEHA), should first contact their appropriate administrator about the need for an accommodation.

The appropriate administrator will contact the Employee Relations Manager in the department of Labor and Employee Relations within the Office of Human Resources, who will assist the employee during the accommodation request process.

Any employee may also request an accommodation directly through Labor & Employee Relations.

III. Steps in the Accommodation Process

- a. The Employee Relations Manager will obtain a copy of the employee's position description, which lists the essential job functions for their position, and any other information relevant to the interactive process.

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- b. The Employee Relations Manager will provide the employee with the Reasonable Accommodation Request Form, a copy of their position description, a letter addressed to the employee's health care provider, and a Disability Verification form.
- c. The employee completes the Reasonable Accommodation Request Form, which lists the accommodation he/she is seeking.
- d. The employee will be required to take these documents to their health care provider and ask the provider to complete the Disability Verification Form.
- e. The health care provider completes the information on the Disability Verification Form regarding the nature of the employee's disability or medical condition, and returns the form to the Employee Relations Manager. The form is maintained in a confidential file in the Office of Human Resources, separate from the employee's personnel file, since it contains confidential medical information.
- f. Upon receipt of the Accommodation Request Form and the Disability Verification Form, the Employee Relations Manager will review and determine whether the employee has a disability as defined by the FEHA. The Employee Relations Manager may consult with University Counsel in making this determination.
- g. The Employee Relations Manager meets with the employee, either in person or by phone, to advise him/her of the results of the review and, if the employee has been determined to have a disability or medical condition, to begin an interactive discussion.
- h. An Interactive Discussion is held with the employee to identify the nature and extent of the individual's restrictions and the appropriate reasonable accommodation. The discussion is to be interactive, requiring active participation by both University personnel and the employee. It is the obligation of the employee to understand his or her own condition and restrictions well enough to engage in this discussion. The process involves:
 - 1. determining the essential functions of the person's position, and consulting with the employee to determine the precise job-related limitations;
 - 2. identifying potential reasonable accommodations that may enable the employee to perform the essential duties of his/her job;
 - 3. assessing the effectiveness of the accommodations.
- i. The University will consider any requests or preferences stated by the employee, but the University has the ultimate discretion to select the appropriate accommodation based on costs, convenience, and business justification. It is the strong preference of the University to provide an accommodation that permits the employee to remain in the current position, rather than a transfer or reassignment.

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- j. In addition to the employee and the Employee Relations Manager, the appropriate administrator is involved in the interactive process. The Associate Vice President for Faculty Affairs may also be involved in the interactive process if the accommodation request is from a faculty member.
- k. The employee may also have a representative present during the interactive discussion.
- l. The Employee Relations Manager notifies the employee of the accommodation that will be provided.
- m. If an employee requests a different or additional accommodation in the future, he/she should contact the Employee Relations Manager to begin the discussions again.
- n. All records related to an employee or applicant's accommodation are maintained in a confidential file in the Office of Human Resources to be kept separately from the personnel file.
- o. Denial of an accommodation will be communicated to the employee or applicant in written form, stating the specific reasons for the denial.

IV. Appeals

Employees and applicants may seek reconsideration and/or redress through one or more of the following methods:

- Existing collective bargaining agreements.
- CSU Executive Order 1096 Revised (Systemwide Policy Prohibiting Discrimination, Harassment, Retaliation Sexual Misconduct, Dating and Domestic Violence, and Stalking Against Employees and Third Parties and Systemwide Procedure for Addressing Such Complaints by Employees and Third Parties)
- California Department of Fair Employment and Housing (DFEH)
- Equal Employment Opportunity Commission (EEOC)