

Reasonable Accommodation Policy and Process

Section 11.17

The Americans with Disabilities Act (ADA) and the Fair Employment and Housing Act (FEHA) require employers to provide reasonable accommodations to individuals with disabilities at any time in their SETA career and to engage in an interactive process to discuss possible reasonable accommodations. Reasonable accommodations can also be given to applicants during the recruitment process. Good faith participation must be demonstrated by all parties in this reasonable accommodation process.

The purpose of a reasonable accommodation is to enable an eligible employee to perform his/her job's essential functions: those job duties that are so fundamental to the position that he or she cannot do the job without performing these duties. A function is "essential" if, among other things, the position exists specifically to perform that function. This does not include marginal functions that are not essential to the position.

Reasonable accommodations are changes or adjustments in the work environment or in the way work is customarily done that would enable a qualified individual with a disability to perform the essential functions of the position. Examples may include, but are not limited to: assistive devices, work schedule adjustment, equipment purchase, facility or workspace changes, or, when no other effective accommodation is feasible, reassignment. Changing the duties that do not affect the essential functions of the job may also be considered.

General Requirements of the Accommodation Process

1. The reasonable accommodation process must begin when one or more of the following takes place:
 - a. The employee or employee's representative (i.e. Union representative or employee's family member) requests an accommodation orally or in writing, OR
 - b. The supervisor/manager/Human Resources becomes aware of a medical, physical, or mental condition that impacts the employee's/candidate's ability to perform one or more essential functions of the job by either:
 - i. Observation,
 - ii. Communication from the employee, or
 - iii. Receipt of medical documentation.
2. The supervisor, manager, and/or employee informs the Human Resources Department regarding the impact of the condition on the employee's ability to perform the essential functions of his/her position.
3. The Human Resources Department shall provide the Reasonable Accommodation Request packet and document the forms being sent to the employee. The employee may also obtain this packet on SETA's Staff Resources web page or shared K drive.
4. The employee submits the following completed forms directly to the Human Resources Department:

- a. Reasonable Accommodation Request, indicating what accommodation is requested (completed and signed by the employee), and
 - b. Medical Verification for Reasonable Accommodation, which must be completed and signed by the employee's appropriate health care provider.
5. Human Resources will contact the employee/candidate to begin the interactive process by scheduling a meeting with the relevant parties as soon as possible. At no time should the employee/candidate be subjected to harassment, discrimination, or retaliation for participating in this process. The employee's/candidate's failure to cooperate with the process may end SETA's accommodation obligation under ADA/FEHA.
6. During the interactive meeting/process, the employee's disability or medical condition **SHALL NOT BE DISCUSSED**. The participants shall focus the discussion on the following:
 - a. The employee's medical restrictions/limitations
 - b. The essential functions of the job
 - c. The impact of the employee's restrictions/limitations on his/her ability to perform the job's essential functions
 - d. The employee's requested accommodation(s)
 - e. Any other accommodations to be considered
 - f. The determination of accommodation to be provided
7. The interactive process may include multiple meetings to ensure all relevant information has been gathered.
8. Additional medical verification may be needed to determine an appropriate accommodation.
9. An interim accommodation may be implemented as a temporary solution during the interactive process until a final decision has been made.
10. A written determination will be prepared by Human Resources as soon as possible after the conclusion of the interactive process.