



# Procedure 236.1A Reasonable Accommodation for Employees and Applicants/Candidates Procedure

## *Policy 236 - Reasonable Accommodation*

### **Purpose**

Lower Columbia College is fully committed to complying with the Americans with Disabilities Act (ADA), Title VII of the 1964 Civil Rights Act, Washington Law against Discrimination (RCW 49.60), and other applicable federal and state laws as outlined in Policy 236. Persons with disabilities have the right to request and receive reasonable accommodation in all aspects of employment with the College, including but not limited to: application, recruitment, selection/hiring, promotion, testing, and the terms, conditions and benefits of employment, including employer supported activities, unless accommodation represents an undue hardship to the College. Human Resources is responsible for handling reasonable accommodations for employees and applicants/candidates for the College.

This procedure describes the process for engaging in the interactive accommodation process and considering reasonable accommodation requests for employees and applicants/candidates.

Reasonable accommodation means modification or adjustment to a job, work environment, policies, practices, or procedures that enables a qualified individual with a disability to enjoy an equal employment opportunity.

Disability means:

- A. The presence of a sensory, mental, or physical impairment that:
  - i. Is medically cognizable or diagnosable; or
  - ii. Exists as a record or history; or
  - iii. Is perceived to exist whether or not it exists in fact.
- B. A disability exists whether it is temporary or permanent, common or uncommon, mitigated or unmitigated, or whether or not it limits the ability to work generally or work at a particular job.
- C. For purposes of this definition, "impairment" includes, but is not limited to:
  - i. Any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitor-urinary, hemic and lymphatic, skin, and endocrine; or
  - ii. Any mental, developmental, traumatic, or psychological disorder, including but not limited to cognitive limitation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Additionally, the impairment must have a substantially limiting effect upon the individual's ability to perform the functions of their job in order to qualify for reasonable accommodation.

Undue hardship means: A defense that employers may use to defend a decision denying a reasonable accommodation that is unduly costly, extensive, substantial, or disruptive, or would fundamentally alter the nature or operation of the agency. Only the President or designee can determine that an undue hardship exists.

## **Reasonable Accommodation Interactive Process**

If an individual believes they require a reasonable accommodation due to a disability during the application process, or to perform the essential functions of a position, the individual must let the supervisor and/or Human Resources know that they need an adjustment or change at work for reasons related to a medical condition.

Human Resources will work with the employee to assess whether any reasonable accommodation for the known physical or mental impairment or limitations would allow the employee to fulfill the essential job functions, unless doing so would impose an undue hardship. To identify a reasonable accommodation, the employer and employee will engage in an interactive process. When accommodations are implemented for employees, Human Resources will check in with the employee regarding the effectiveness of their accommodation and changes in their limitations/needs at least annually, although some situations may require more frequent check-ins. Non-permanent accommodations will need to be reassessed and verified on a reasonable timeline relative to the accommodation.

For disability accommodation requests, medical documentation may be required to determine the need for and to identify the appropriate accommodation. Human Resources will work with employees, supervisors, employee representatives, and medical personnel to assess and determine reasonable accommodation. Some common accommodations may include but are not limited to:

- Modification to schedule
- Adaptive equipment
- Job restructure
- Sign language interpreters or alternate forms of communication
- Modification of policies or procedures
- Improve access to physical space / facilities (parking, barrier removal)
- Reassignment may be considered if accommodation in the current position is not possible.

## **Procedure for Reasonable Accommodation Requests**

1. Upon notification of a potential reasonable accommodation need, Human Resources will reach out to the employee and provide the Accommodation Request Form, a Medical Questionnaire, an authorization to release medical information, and the employee's current position description. Human Resources may meet with the employee to talk through the forms and process.
2. The employee will complete the Accommodation Request Form and submit to Human Resources. They will provide the position description

and signed authorization form to their medical provider. They will request that their medical provider complete the questionnaire. The completed questionnaire is then submitted to Human Resources. Human Resources may accept other supporting medical documentation in lieu of the questionnaire. For telework accommodation requests, employees will need to also submit the Telework Agreement Form.

3. Upon receipt of the completed Accommodation Request Form and Medical Questionnaire, Human Resources will review and evaluate the request. HR will follow an interactive process and may meet with the employee and/or supervisor to determine reasonable accommodation options and/or implement any recommended accommodations.
4. HR will formally respond to the request as soon as practically as possible. The response will go to the employee and their supervisor.

## **Procedure for Parking Accommodation Requests**

Employees requesting a parking accommodation on the basis of a disability, will follow the following procedure:

1. Upon notification of a potential parking accommodation need due to a disability, Human Resources will reach out to the employee and provide the Accommodation Request Form.
2. The employee will complete the Accommodation Request Form and submit to Human Resources along with proof of a handicapped parking permit or other medical documentation.
3. Upon receipt of the Accommodation Request Form and proof of the physical disability, Human Resources will review and evaluate the request. HR will follow an interactive process.
4. HR will formally respond to the request as soon as practically as possible. The response will go to the employee and their supervisor. For approved parking accommodations, HR will work with Campus Services to find a suitable parking space for the employee.

## **Confidentiality**

All information relating to requests for reasonable accommodation will be treated in a confidential manner and will be used only when considering the accommodation request(s). Medical information will be maintained in a confidential file and will not be placed in the employee's personnel file. Only

those with a need to know (which does not include the supervisor) will have access to medical information.

## **Reasonable Accommodation for Candidates**

Generally, candidates in need of an accommodation relative to Lower Columbia College's recruitment process must contact Human Resources to request the accommodation. The candidate should be as clear as possible when indicating that they are seeking an accommodation for a disability to enable them to have an equal opportunity to participate in the recruitment process. Human Resources may require medical documentation to determine the need for and to identify the appropriate accommodation.

Some common accommodations for candidates may include but are not limited to:

- Assistance with application / exception to required application materials
- Modifying delivery of interview question set (Braille, audio, large print)
- Improving access to interview location or changing interview location
- Communication assistance at interview (interpreter, allowing job coach to attend)
- Alternate form of interview (phone instead of video interview)