

CALIFORNIA STATE UNIVERSITY, CHICO
Procedures for Processing Requests to Accommodate
Employees or Applicants with Disabilities

These procedures were developed as directed by Executive Memorandum 07-09 (Nondiscrimination Policy Regarding Individuals with Disabilities) which separated the nondiscrimination policy from the procedures. They are intended for use by CSU, Chico supervisors and administrators when responding to requests for accommodations. These procedures comply with Sections 503 and 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and California's Fair Employment and Housing Act (California Government Code § 12926-12928, 12940, 19230), and current case law.

Designed as a companion manual to these procedures, the CSU Handbook for Processing Accommodation Requests from Individuals with Disabilities provides supervisors and administrators with a more in-depth understanding of the complex issues surrounding the University's commitment to provide equal opportunities to individuals with disabilities.

Simply stated, an employer must consider each request for accommodation and determine:

- whether an employee's or applicant's condition meets the legal definition of a disability, thereby qualifying them for consideration for an accommodation;
- whether an accommodation is needed;
- if needed, whether an effective, reasonable accommodation exists, and
- if effective, whether providing an accommodation would impose an undue hardship, i.e., would be extensive, substantial, disruptive, or would fundamentally alter the nature or operation of the University.

The following procedures are an expansion of these steps.

1. Individuals who may make verbal or written **requests** that must be considered for reasonable accommodation.
 - a. An **employee** can request an accommodation from his or her supervisor; another supervisor or manager in the immediate chain of command; an appropriate administrator; or the campus ADA coordinator at any time after hire. The ADA coordinator may be reached by contacting the Office of Staff Human Resources Management at (530) 898-4666 for staff employees, or by contacting the Vice Provost for Faculty Affairs at (530) 898-5029 for faculty employees.
 - b. An **applicant** can request an accommodation from any University employee with whom she or he has contact in connection with the application process.
 - c. A **family member, health professional, or other representative** may request an accommodation on behalf of a CSU, Chico employee or applicant. The request should go to one of the same persons to whom the employee or applicant would make the request.
2. Definition of some key terms

- a. **Individual with a Disability:** Any person who has a physical or mental impairment, has a record of such an impairment or is regarded as having an impairment that limits (by making difficult) one or more major life activities, such as caring for oneself, performing manual tasks, seeing, hearing speaking, breathing, and working.
- b. **Qualified Individual with a Disability:** An individual with a disability is qualified if (1) he or she satisfies the requisite skill, experience, education, and other job-related requirements of the position; and (2) can perform the essential functions of the position, with or without reasonable accommodation.
- c. **Reasonable Accommodation:** Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position. These include:
 - making existing facilities accessible and usable by an individual with a disability;
 - job restructuring by reallocating or redistributing marginal job functions;
 - modifying work schedules;
 - acquiring or modifying equipment or devices;
 - modifying tests, training materials, or policies;
 - providing qualified readers or interpreters; and
 - reassignment to a vacant position.
- d. **Essential Functions:** Determination of the essential functions of a position must be done on a case-by-case basis so that it reflects the job actually performed, and not simply the components of a generic position description. A function can be "essential" if, among other things:
 - i. the position exists specifically to perform that function;
 - ii. there are a limited number of other employees who could perform the function; or
 - iii. the function is specialized and the individual is hired based on his or her ability to perform it.
- e. **Major Life Activity:** Major life activities include physical (walking, hearing, seeing), mental (thinking, learning) and social activities (interacting with others) and working.

3. Time frames for processing requests and providing reasonable accommodation:

- a. The supervisor or administrator receiving the request must determine who will be responsible for making the decision regarding an accommodation and forward the request, if necessary, to that person **as soon as possible but in no more than five business days**.
- b. If (1) a request will be processed by the employee's supervisor or an appropriate administrator, (2) no supporting medical information is required (see d., below), and (3) no extenuating circumstances apply, the request shall be processed and the approved accommodation provided in no more than **15 business days** from the date the supervisor or appropriate administrator receives the request, and sooner, if possible.

- c. If the ADA coordinator is the decision-maker, she or he will make a decision on the request and provide the accommodation within **20 business days** from the date the request was initially made.
 - d. If the disability and need for accommodation are not obvious and therefore, medical documentation is required, the original contact person will notify the ADA coordinator. This could extend the time frames.
4. **An interactive process** must take place to determine what, if any, accommodation should be provided. This means that the individual requesting the accommodation and the decision-maker (the ADA coordinator may also be present, if so desired) must talk to each other about the request, the process for determining whether an accommodation will be provided, and potential accommodations.

To identify a reasonable accommodation the decision-maker will:

- a. Review the essential functions of the particular job in question.
 - b. Consult with the individual requesting the accommodation to find out his or her specific physical or mental abilities and limitations as they relate to the essential job functions.
 - c. Identify the barriers to job performance and assess how these barriers could be overcome with an accommodation.
 - d. In consultation with the individual, identify potential accommodations and assess how effective each would be in enabling the individual to perform essential job functions. If this consultation does not identify an appropriate accommodation, technical assistance is available from a number of sources, many without cost.
 - e. If there are several effective accommodations that would enable the employee to perform the essential functions of their job, the employer has the ultimate discretion to choose between effective accommodations. The employer need not provide the specific accommodation requested by the employee or recommended by the employee's health care provider.
5. If a supervisor or other decision-maker believes that reasonable **medical documentation** is necessary in order to evaluate a request for accommodation because the employee's disability is not obvious and/or the need for accommodation is not apparent, she or he will make a request to the campus ADA coordinator to obtain medical documentation.
6. In some cases, the individual requesting the accommodation may choose to supply medical documentation directly to the decision-maker without being asked. In these cases, the decision-maker will consider such documentation and, if additional information is needed, the decision-maker will make a request to the campus ADA coordinator to obtain such information. **The University only needs to know the medical restrictions, not the employee's specific medical condition, in order to determine whether a reasonable accommodation is available.**
7. **Medical documentation obtained in connection with this process must be kept confidential.** Information about functional limitations and accommodation needs that CSU, Chico obtains in connection with such a request, must be kept in files separate from the individual's personnel file. Any CSU, Chico employee who obtains or receives such information is strictly bound by these confidentiality requirements. Supervisors and managers who need to

know (including the decision-maker) may be told about necessary restrictions regarding the work or duties of the employee and about the necessary accommodation(s), but this information shall only be disclosed if absolutely necessary.

8. Whenever medical information is disclosed, the individual disclosing the information must inform the recipients of the information about the confidentiality requirements that attach to it.
9. The ADA specifically prohibits an employer from disclosing to an employee's co-workers the functional limitations of an employee and that an employee is being provided with a reasonable accommodation. Doing so usually amounts to a disclosure that the individual has a disability. An employee with a disability may voluntarily disclose to co-workers his or her disability and/or the fact that he or she is receiving a reasonable accommodation. Any coercion by the employer to convince the employee to disclose this information does not constitute voluntary disclosure.
10. Funding normally will be the responsibility of the employee's organizational unit, however, supervisors, managers, and administrators who receive employee requests for assistive technology, adaptive equipment specific to the employee's work, or workplace personal assistance services may obtain an application form for their employee or direct their employee to obtain an application form to apply for Assistive Device/Workplace Personal Assistance Services Program funds. The decision to fund these requests will be made by the campus ADA coordinator and will be communicated to the requesting employee and the employee's appropriate administrator in writing.
11. **Approval of reasonable accommodation** should be communicated to the recipient as soon as the decision is made. Notice can be verbal, initially, but must be followed up with a written memo. A copy of this memo shall be provided to the ADA coordinator so that the accommodation can be documented and recorded for compliance purposes.
12. **If a decision-maker determines that an accommodation request will be denied**, the decision-maker must contact the campus ADA coordinator prior to notifying the employee. The ADA coordinator will review the determination.
13. Denial of an accommodation must be communicated to the requestor in written form, clearly stating the specific reasons for the denial. The memo must explain the individual's right to ask for reconsideration, first from the decision-maker, then from the appropriate administrator and/or the ADA coordinator.

Individuals may seek reconsideration and/or redress through existing collective bargaining agreements and/or Executive Order 928 System-wide Complaint Procedure for Discrimination Complaints by Employees Not Eligible to File a Discrimination Complaint or Grievance under a Collective Bargaining Agreement) and appropriate State (Department of Fair Employment and Housing, 800-884-1684 or 800-700-2320 [TTY]) and Federal (Equal Employment Opportunity Commission, 800-669-4000 or 800-669-6820 [TTY]) enforcement agencies. If an employee or applicant wishes to pursue the EEO complaint process, he or she must do so within 45 days of the denial, even if he or she is also participating in the University's dispute resolution process, as outlined above.

14. If an accommodation turns out to be ineffective and the employee with a disability remains unable to perform an essential function, the employer must consider whether there would be an alternative accommodation that would not pose an undue hardship. If there is no alternative accommodation, then the employer must attempt to reassign the employee to a vacant position for which he or she is qualified, unless to do so would cause an undue hardship.

15. The decision-maker will provide the ADA coordinator with copies of all information including medical documentation that she or he received as part of processing the request. The campus ADA coordinator will maintain these records for the duration of the employee's tenure or five years, whichever is longer.