



Superintendent Policy #4031 **Reasonable Accommodation**

All applicants or employees who meet the definition of a qualified person with a disability will be given consideration for reasonable accommodation upon request. A qualified person with a disability for purposes of employment, is a person who can perform the essential functions of a job with or without reasonable accommodation and who is eligible for appointment.

The Chief Human Resources Officer shall inform the employee, in writing, of the County Office's decision to approve or deny the employee's request in writing within twenty (20) working days after receipt of all pertinent documentation using the Accommodation Request and Response form. If an accommodation request is denied, a copy of the appeal process shall be attached to the copy of the Accommodation Request and Response Form sent to the employee.

If accommodations are provided, the employee and the supervisor shall evaluate the effectiveness of the accommodation. If modifications to the accommodation are needed, they are to be requested and considered using the same procedures as for the initial request.

If an employee acquires a disability and the County Office is not able to make reasonable accommodations that would allow the individual to continue in his/her current position, the County Office may consider assignment to another position within the County Office. If good faith efforts fail to accommodate or place the employee in an alternative position, termination may be necessary.

- An employee or applicant may file a written appeal with the Chief Human Resources Officer stating the reasons for the disagreement within thirty (30) calendar days of the initial decision as shown on the Accommodation Request and Response Form.
- The Chief Human Resources Officer will forward the appeal, along with the original request and documentation, to the superintendent. The Superintendent or designee will review the initial decision and any additional information or statements supplied by the employee, and will render a decision regarding the appeal.
- If the employee is dissatisfied with the decision of the Superintendent, the employee has the right to file a complaint with the appropriate governmental agency(ies).

Legal Reference:

CIVIL CODE

51 Unruh Civil Rights Act

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act

UNITED STATES CODE, TITLE 29

701-794e Vocational Rehabilitation Act

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act, especially:

35.107 Designation of employee

36.101-36.608 Nondiscrimination on the basis of disability by public facilities

CODE OF FEDERAL REGULATIONS, TITLE 29

1630.2 Direct threat

COURT DECISIONS

Colmenares v. Braemar Country Club, Inc., 2003 Cal.LEXIS 1131

Chevron USA v. Echazabal, (2002) 536 U.S. 73, 122 S. Ct. 2045

US Airways, Inc. v. Barnett, (2002) 535 U.S., 122 S Ct. 1516

APPROVED: 1/27/10