

Accommodations

GUIDE FOR REQUESTING ACCOMMODATIONS AND/OR AUXILIARY AIDS FOR EMPLOYEES AND PROSPECTIVE EMPLOYEES WITH DISABILITIES

POLICY

It is the policy of the College that no person shall be subjected to discrimination because of a disability. Such discrimination is prohibited by the Americans with Disabilities Act, as amended, and by Section 504 of the Rehabilitation Act of 1973. This policy applies to recruitment, employment, and subsequent placement, training, promotion, compensation, continuation, probation, discharge, and other terms and conditions of employment over which the College has jurisdiction. This Guide establishes the procedure for requesting and granting accommodations and/or auxiliary aids (hereafter collectively referred to as “accommodations”) based upon disability.

DEFINITION OF DISABILITY

A person with a disability is defined, in accordance with federal law, as one who has a physical or mental impairment that substantially limits one or more major life activities or who has a record of such an impairment. The list of major life activities includes, but is not limited to, major bodily functions such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, circulatory, respiratory, endocrine, hemic, lymphatic, musculoskeletal, special sense organs and skin, genitourinary and cardiovascular systems, and reproductive functions. Also included as major life activities are caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others and working. This list of conditions is not exhaustive and the determination of an impairment that substantially limits one or more major life activities will be construed broadly. Chronic conditions or conditions in remission which would substantially limit a major life activity when active are also included within the definition of a disability.

Temporary illnesses or injuries of short duration from which a person is expected to recover completely are not disabilities. However, it is the policy of the College to provide reasonable accommodations to employees with temporary impairments which are substantially limiting over several months.

Upon request by an individual with a disability, the College will provide reasonable accommodations so that the person may have equal employment opportunities. However, the College will not remove an essential job function from the employee’s duties or job description. An essential function is one which is so fundamental to the position that the individual cannot do the job without being able to perform it. For example, sight would be an essential function for a bus driver, but, depending on the circumstances, it might not be for an instructor.

HOW TO REQUEST

A request for an accommodation can be made in writing or orally to the campus Human Resources Office, to the employee’s supervisor or to anyone in the employee’s chain of command, or to the Assistant Vice President for Human Resources in the Office of the President (hereafter “Assistant VP”). When any of these supervisory level individuals becomes aware of such a request, that person shall assist the employee with completing the Employee Request for Accommodations form. All such requests, together with any documentation provided by the employee, shall be forwarded to the Assistant VP.

HIRING

No inquiry may be made as to the need for accommodations during the application and hiring process unless the applicant has disclosed information and requested a reasonable accommodation or the need for an accommodation is obvious based upon observation. In the latter case, the College should initiate an informal, interactive process to determine what accommodation would allow the applicant an equal opportunity to gain employment.

DOCUMENTATION PROCESS

A request for an accommodation from an employee or an individual who has received a conditional job offer shall be referred to the Assistant VP. The Assistant VP will request that the employee provide reasonable medical documentation of the condition causing the disability and the functional limitation as it relates to the essential functions required by the position. If the Assistant VP finds that the information is not sufficient to make a determination with respect to the request, then additional information may be requested. In addition, the Assistant VP may have the documentation reviewed by a medical expert of the College's choosing or may obtain a second medical examination. The College has the right to require that the employee consent to either or both of these procedures at the College's sole expense, except when the disability and the need for accommodation are obvious. Unless the need for accommodation is obvious, the College will be unable to assist an employee who does not produce appropriate documentation.

INTERACTIVE PROCESS

Once the appropriate documentation has been provided, the Assistant VP will discuss the request with the employee. The goal of this interactive process is to consider the functional limitations imposed by the disability and the options available to accommodate the employee. The employee's prior life experience may guide this discussion because the employee is in the best position to know what accommodation has or has not been effective previously. However, the College will make the ultimate determination as to the reasonable accommodations that will be provided to the employee.

DECISION

A decision to grant or deny a request for accommodations will be made by in writing by the Assistant VP within 15 business days after the receipt of satisfactory documentation. If granted, the accommodations will be made available as soon as reasonably possible. Any delay in the decision-making or the provision of the accommodations will be explained to the employee, in writing. Temporary accommodations that will assist the employee may be provided during any period of delay. The obligation to provide reasonable accommodations is a continuing one. In the event the agreed-upon assistance is ineffective, then the Assistant VP and the employee will once again engage in the interactive process in an attempt to determine whether there is another reasonable accommodation that will allow the employee to perform the essential functions of the job.

APPEAL PROCESS

A denial of a request for accommodation should state the reasons plainly and in detail. An employee whose request is denied or who is dissatisfied with the accommodations approved by the Assistant VP or who otherwise believes that he or she has been the subject of discrimination on the basis of disability shall state the concerns in writing to the Chief Legal Counsel and Vice President for Human Resources in the Office of the President (hereafter "VP for HR"). The inquiry shall be made as soon as reasonably possible after the action occurs but in no case later than 10 working days after such occurrence. The time for filing an appeal can be waived for good cause at the discretion of the VP for HR.

The VP for HR or his or her designee, shall conduct a thorough investigation of the facts set forth in the appeal, affording all interested persons and their representatives an opportunity to submit relevant information. The VP for HR shall issue a written response, with a description of the resolution, if any, to the employee and other appropriate persons within 15 working days of receipt of the complaint.

The decision of the VP for HR shall be final.

Nothing in this Guide prevents any individual who believes that he or she may have been discriminated against from pursuing any and all legal remedies. In addition, nothing in this Guide is intended to be a waiver of state sovereign immunity or to create any individual right or cause of action not already existing and recognized under state or federal law.

CONFIDENTIALITY

All information provided by the employee shall be considered confidential with the following exceptions:

- Supervisors may be told about restrictions on the work or duties of the employee and the approved accommodations so that the accommodations can be properly implemented.
- Campus Public Safety personnel may be informed about the disability if the impairment might require emergency assistance.
- Information may be provided to government officials charged with investigating the College's compliance with state or federal law.

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