1.0 SCOPE:

1.1 The process followed for accommodation of disabled employees and job applicants.

2.0 RESPONSIBILITY:

2.1 Risk Management Analyst I

3.0 APPROVAL AUTHORITY:

3.1 Director of Risk Management

4.0 APPEAL AUTHORITY:

4.1 Associate Superintendent Human Resources

5.0 DEFINITIONS:

5.1 Fair Employment and Housing Act, California Government Code Sections 12900-12996, and implementing regulations
5.2 Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq., and implementing regulations
5.6 The California Family Rights Act (California Government Code Section 12945.2) and Pregnancy Disability Leave Law (California Government Code Section 12945(b)(2), and implementing regulations

6.0 PROCEDURE:

6.1 Risk Management Department is promptly notified that an employee or job applicant may be in need of accommodation.

6.2 Interactive Process:

6.2.1 The employee or applicant is contacted and engaged in the Interactive Process. The Risk Management Department schedules a meeting in person or, if that is not possible, by telephone. The discussion and exchanges of information relates to:

6.2.1.1 whether the employee is disabled
6.2.1.2 the essential functions of the position
6.2.1.3 whether the employee, with or without accommodation, is capable of successfully executing the essential functions of the position
6.2.1.4 whether an available, reasonable accommodation exists that does not impose an undue burden on the District.
6.2.2 During the Interactive Process, the District may need information from sources other than the employee or job applicant including the supervisor and Human Resources. If such information is not available to the District, or if the employee or job applicant does not cooperate with the District in obtaining the needed information, the District may be unable to complete the interactive process or take substantive action on the request for accommodation.

6.2.3 During the Interactive Process, the Risk Management Department may:

6.2.3.1 need the employee or job applicant to execute a medical or health record release

6.2.3.2 need to communicate directly with the employee or job applicant doctors

6.2.3.3 need to have the employee or job applicant participate in interviews, evaluation or testing at the District’s expense by medical or health professionals or consultants

6.2.4 The Risk Management Department will keep information obtained during this interactive process confidential with such information reviewed by District employees and consultants directly involved in evaluation of the accommodation request. Written materials and information obtained during this process will be placed in a separate ADA file.

6.3 Written Determination

6.3.1 Once sufficient information is obtained in the Interactive Process, Risk Management will issue a Written Determination to be delivered to the employee or job applicant in an agreed manner or by certified mail. The Written Determination will include:

6.3.1.1 Agreement(s) between the parties on the accommodation request

6.3.1.2 The District’s evaluation of the disability, essential job functions and determination of reasonable accommodation unless it would create an undue burden

6.3.1.3 Statement of facts supporting the findings and determinations.

6.4 The Interactive Process may continue after the District’s issuance of its Written Determination in order to evaluate the continuing existence or extent of a disability and/or the continuing need or appropriateness of an extended accommodation.

6.5 Review Process

6.5.1 The employee or job applicant may seek review of the District’s handling of the accommodation request by delivering a written Request for Review to the Associate Superintendent of Human Resources (“Reviewer”). While the Request need not be submitted on a particular format, it must contain a brief statement of the reason for the review and the requested remedy or action. Review may occur in two primary circumstances:

6.5.1.1 If the employee or job applicant believes the District is not engaging timely and in good faith in the Interactive Process, a Request for Review may be promptly presented any time prior to the issuance of the Written Determination.
6.5.1.2 If the employee or job applicant disagrees with the Written Determination, a Request for Review may be presented within 20-days following the receipt of the Written Determination.

6.5.1.3 The Reviewer will review the document and information and issue a Written Determination on Review and transmitted to the employee in an agreed manner or by certified mail.

6.6 ASSOCIATED DOCUMENTS and FORMS:

6.6.1 ADA Employee Intake Form: RSK – F204A
6.6.2 ADA Medical Release Form: RSK – F204B (optional)
6.6.3 ADA Doctor Information Form: RSK – F204C (optional)
6.6.4 District Administrative Regulation 4032

7.0 RECORD RETENTION TABLE:

<table>
<thead>
<tr>
<th>Identification</th>
<th>Storage</th>
<th>Retention</th>
<th>Disposition</th>
<th>Protection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Completed ADA packet</td>
<td>Locked cabinet in Analyst cubicle</td>
<td>5 years</td>
<td>shred</td>
<td>Secured Area and Locked Cabinet</td>
</tr>
</tbody>
</table>

8.0 REVISION HISTORY:

<table>
<thead>
<tr>
<th>-</th>
<th>Rev.</th>
<th>Description of Revision:</th>
</tr>
</thead>
<tbody>
<tr>
<td>4/2/03</td>
<td>A</td>
<td>Initial Release</td>
</tr>
<tr>
<td>4/20/07</td>
<td>B</td>
<td>Amended to clarify duties and comply with State law</td>
</tr>
<tr>
<td>8/3/07</td>
<td>C</td>
<td>Amended to remove distribution to personnel file</td>
</tr>
</tbody>
</table>

***End of procedure***