

Subject: REASONABLE ACCOMMODATION

REFERENCES	SECTIONS
Law & Regulation http://leginfo.legislature.ca.gov/faces/codes.xhtml;jsessionid=ec740fb92d7f258ccc38ebd5c0c9	GC 19230,19231,19232,19233,19234,19236,19237
Memo of Understanding (MOU) http://www.calhr.ca.gov/state-hr-professionals/Pages/bargaining-contracts.aspx	Refer to Employee's MOU
Personnel Management Policy and Procedures Manual (PMPPM)	420
Responsible Control Agency and Program http://www.spb.ca.gov/	SPB
Selection Manual (old)	6700
Other:	
Office of Human Resources (OHR) Return to Work Unit http://www.dgs.ca.gov/ohr/Programs/ReturnToWork.aspx Equal Employment Opportunity Commission (EEOC) http://www.eeoc.gov/	

Subject: Reasonable Accommodation

Definition/Explanation:

Reasonable Accommodation is a logical adjustment made to a job and/or the work environment that enables a qualified disabled person to perform the essential functions of that position. Reasonable Accommodation shall not include altering essential job functions or creating positions that do not exist. Reasonable Accommodation will be provided only when the accommodation is necessary to perform the essential functions of the job. Transportation, personal care needs, and supervisor/subordinate difficulties, etc., are not appropriate reasons for Reasonable Accommodation.

Background

Effective January 1, 2001, California's Fair Employment and Housing Act (FEHA) was amended to provide significantly broader protections to employees with disabilities. The amendments include an express declaration that the California statutes are intended to extend beyond the federal Americans With Disabilities Act (ADA): broadening the definition of "disability", delineating new and different unlawful employment practices arising from certain pre-employment and post-employment inquires, and prohibiting failure to engage in a timely, good faith interactive process with the employee to determine a reasonable accommodation for the disability.

The amendments make it an unlawful employment practice for an employer to fail to engage in a timely, good faith, interactive process with the employee or applicant to determine effective reasonable accommodations, if any, in response to a request for reasonable accommodation by an employee or applicant with a known disability or medical condition. Reasonable accommodation may include such measures as: making existing facilities readily accessible to and usable by individuals with disabilities; job restructuring; part-time or modified work schedules; acquisition or modification of equipment or devices, adjustment or modification of examinations, training materials or policies; the provision of qualified readers or interpreters, and other similar actions. As a last resort, reassignment to a vacant position can be considered provided the individual meets the minimum qualifications of the classification and can perform the essential functions of the job.

Policy:

The Department of General Service's (DGS) policy is to fully comply with the reasonable accommodation requirements of the Fair Employment and Housing act (FEHA). Under the law, state agencies must provide reasonable accommodation to qualified employees or applicants with disabilities, unless to do so would cause undue hardship. The Department of General Service (DGS) is committed to providing reasonable accommodations to its employees and applicants for employment in order to ensure that individual with disabilities enjoy full access to equal employment opportunity at the Department of General Services (DGS). The Department of General Services (DGS) provides reasonable accommodations:

- when an applicant with a disability needs an accommodation in order to be considered for a job; or

- when an employee with a disability needs an accommodation to enable him or her to perform the essential functions of the job or to gain access to the workplace; or
- when an employee with a disability needs an accommodation to enjoy equal benefits and privileges of employment; or
- when a non-employee needs an accommodation.

Procedure:

The employee completes a request for Reasonable Accommodation form (OHR 01) and submits to the Supervisor/Office Chief.

The Supervisor/Office Chief reviews request (OHR 01); attaches an essential functions job description (Duty Statement); has the employee complete an "Authorization for the Release of Medical Information, form (OHR 04); and, forwards the complete package to the Department of General Services (DGS) Reasonable Accommodation Coordinator (RAC) in the Office of Human Resources (OHR), within five (5) working days.

The RAC receives the Request for Reasonable Accommodation documentation. RAC shall respond to the request within twenty (20) days of receipt.

The RAC contacts the health care provider and the employee immediately, consults as necessary, and determines the appropriateness of the Reasonable Accommodation Request.

The Physician submits the medical information to the RAC within ten (10) working days.

When the medical information is received, the RAC analyzes the information.

If the Reasonable Accommodation Request is approved and the employee is found to be disabled, the following happens:

- If the request is for a change of duties:
 1. Transfer
 2. Exempt from transfer
 3. Special hours.

If the employee is unable to perform essential functions of the position:

- The RAC will seek alternate resolution(s):
 1. Demotion
 2. Change in Classification
 3. Find suitable and available position(s).

If the employee is found to be disabled **and** the request is for equipment, the RAC seeks and effects solution(s):

- Locates and orders the equipment; **OR**
- Advises employee's office of what equipment to order, **OR**
- Contracts with consultant to ascertain solution(s); office orders the equipment.
- The RAC follows up with the Business Services Section (BSS) to ensure the equipment has been delivered and installed.

Employees may refer to the EEOC's *"Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act"* at <http://www.eeoc.gov/policy/docs/accommodation.html> for additional information on the rights and responsibilities of applicants and employees requesting reasonable accommodation. Information on the responsibilities of the Department of General Services (DGS) personnel involved in responding to reasonable accommodation requests is available at <http://www.dgs.ca.gov/ohr/Programs/ReturnToWork.aspx>.

Attachment:

[Request for Reasonable Accommodation, DGS OHR 01](#)
[Release of Medical Information, DGS OHR 04](#)