



POLICY # 3100 Reasonable Accommodation for Disability

EFFECTIVE DATE 1/25/2024

VERSION # 2

DATE OF LAST REVISION 12/22/2023

NEXT REVIEW DATE 1/1/2026

APPLIES TO

Division Districtwide
Sub-Division Human Resources

VERSION	REVISION DATE	DESCRIPTION OF CHANGE/SUPERSEDE	AUTHOR
1	07/01/2010	Board Approved Employee Handbook	General Manager
2	12/22/2023	Fair Employment and Housing Act (FEHA) expanded language re: medical exams and religious accommodations	Michelle Niven

RATIONALE

The District has a commitment to ensure equal opportunities for disabled applicants and District employees. Every reasonable effort will be made to provide an accessible work environment for such employees and applicants. Employment practices (e.g., hiring, training, testing, transfer, promotion, compensation, benefits, and discharge) will not discriminate unlawfully against applicants or employees. The District provides employment-related reasonable accommodations within the meaning of the California Fair Employment and Housing Act ("FEHA") and the Americans with Disabilities Act ("ADA").

CONTENT

Request for Disability-Related Accommodation: Any job applicant or employee who desires a reasonable accommodation to perform the essential functions of the job should contact the HR Manager and discuss the need for an accommodation. The District will engage in an interactive process, as defined by the FEHA and ADA, with the employee to identify possible reasonable accommodations, if any, that will help the applicant or employee perform the essential functions of the job.

Interactive Process: The District will engage in the interactive process, as defined by the FEHA and ADA, to determine whether an applicant or employee is able to perform the essential functions of their position. During this process, the District will examine potential reasonable accommodations that will make it possible for the employee or applicant to so perform. Such interactive process will include a meeting with the employee or applicant, the District, and, if necessary in the case of disability, the employee or applicant's health care provider.

Case-by-Case Determination: The District determines, in its sole discretion, whether reasonable accommodation(s) can be made, and the type of reasonable accommodation(s) to provide. The District is not required to provide accommodation that is not reasonable, that would pose an undue hardship upon the District, or that is not required by law. The District will inform the applicant/employee of any decisions made under this section in writing.

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Fitness for Duty Leave: While the District is engaged in an interactive process with an employee, the District may require that the employee be placed on a fitness for duty leave.

Medical Examinations

Depending on the essential functions of a position, a medical examination may be required for:

- Applicants who have received a conditional offer of employment.
- Employees seeking a promotion, demotion, or transfer from one position requiring general physical abilities to another position requiring physical abilities of a different nature.
- Employees returning to work from a medical leave of absence. The physician conducting the medical examination will be supplied with a current job description identifying the essential functions of the position.
- Employees for whom a supervisor reasonably suspects, based on personal observation or reliable reports, a lack of fitness for duty.

The doctor examining the applicant or employee will be limited to finding the employee “fit for duty” or “fit for duty with restrictions” or “unfit for duty”. In the case of finding an employee fit for duty, the doctor may issue work restrictions. In no case will the doctor reveal the underlying diagnosis or cause of the fitness or unfitness for duty without the employee’s written authorization. The results of all medical examinations will be confidential and in a separate medical file from the general personnel file.

No person may hold any position in which they are not able to perform the essential functions of the position, with or without reasonable accommodation.

Religious Accommodation

An applicant, employee or unpaid intern who requires an accommodation of a religious belief or practice (including religious dress and grooming practices, such as religious clothing or hairstyles) should also contact Human Resources and discuss the need for an accommodation. If the accommodation is reasonable and will not impose an undue hardship, the District will make the accommodation. The District will not retaliate against you for requesting a reasonable accommodation and will not knowingly tolerate or permit retaliation by management, employees, or co-workers.

Authority: Fair Employment and Housing Act (FEHA)

Michelle Niven *Michelle Niven*
Author (print and sign)

02/13/2024
Date

[Signature]
Annabel Grimm
General Manager

13 Feb 2024
Date

Approved by the Board of Directors on: **January 25, 2024**