

Supervisor's Guide to Reasonable Accommodation and the Interactive Process

STATEMENT OF POLICY: ADA and Reasonable Accommodation

California State University, San Bernardino (CSUSB) is committed to maintaining an inclusive learning and working environment in which all individuals are treated with dignity and respect. To that end, CSUSB strives to make its programs, services, and activities accessible to students, faculty, staff, and members of the general public who have disabilities. This policy is in accordance with applicable state and federal laws including, but not limited to the Americans with Disabilities Act (ADA), Sections 504 and 508 of the Rehabilitation Act of 1973, the California Fair Employment and Housing Act (FEHA), Government Code § 12940 et seq., and Education Code §§ 67302 and 67310-13.

Under the ADA and FEHA, qualified individuals with disabilities must have equal access to all aspects of employment that are available to employees who do not have disabilities. Those Acts also require employers to provide individuals who have disabilities, reasonable accommodations that will allow them to perform the essential functions of their jobs. CSUSB is fully committed to ensuring equal employment opportunity for qualified applicants and/or employees with disabilities and engages in a timely, good faith, interactive process to determine effective reasonable accommodations.

CSUSB's ADA Coordinator is responsible for the initial review and processing of employee requests for disability-related accommodations.

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Requesting Reasonable Accommodation

The University has established procedures for use by both applicants for employment and current employees who wish to request a disability-related accommodation.

Applicants for Employment

Applicants who require an accommodation during the application process should contact the ADA Coordinator in Human Resources at (909) 537-3720. The ADA Coordinator will work with the Office of Talent Acquisition for requests relative to staff positions and with the Office of Faculty Affairs and Development for requests relative to faculty positions.

Current Employees

To request a disability-related accommodation, you must:

Communicate your need for an accommodation to your supervisor.

Submit the following **two forms** to Human Resources:

Employee Request for Disability Related Accommodations form. You must complete this form to ensure that all necessary information such as the following is provided:

- The type of accommodation requested;
- An explanation of the physical limitation for which the accommodation is needed; and,
- A description of how the accommodation will allow you to perform the essential functions of your job.

Note: You are **not** required to disclose your disability (diagnosis), only your limitations/restrictions.

The form is to be signed by your supervisor only as an acknowledgement of receipt of your request for an accommodation.

Medical Provider Inquiry Form (MPIF) Your physician/medical provider must complete this form. It provides the following information at a minimum:

- A description of your functional limitation as it relates to your job duties, including its anticipated duration (e.g., whether it is a temporary or a permanent impairment). If temporary, the anticipated date that your functional limitation will end must be provided;
- A description of your functional limitation caused by your disability in work-related terms. For example, if “no prolonged walking” is requested, the medical statement should specify how long or how far you are able to walk; if rest periods are required, the medical statement should specify how often and how long the rest periods should be, etc.; and,
- The permanent or long-term impact, or the expected impact, resulting from your impairment;
- Your physician must submit medical documentation with the form, to provide evidence of your functional limitation in support of the request for a disability-related accommodation.
- If alternative or additional medical documentation is provided, the documentation must be dated and written on official letterhead. The treating health care professional must be identified (e.g., M.D., D.O., D.C.) and the documentation must be signed by the treating health care professional.

Note: This form, (the MPIF), and any other medical documentation should be provided **directly to the ADA Coordinator** where it will be kept in a confidential file.

Actively engage in good faith in an ongoing **Interactive Process**¹ with your supervisor and/or manager and the University ADA Coordinator to discuss and determine the essential functions of your position, your precise job-related limitations, the potential reasonable accommodation that may enable you to perform the essential duties of your job, and to assess the effectiveness of the accommodation provided.

¹ 1 More details on the Interactive Process are available at the Job Accommodation Network website:
<https://askjan.org/index.cfm>

Notify the ADA Coordinator in the event that you would like to request a different or additional accommodation.

Note: The University will consider any requests or preferences stated by the employee, but the University has the ultimate discretion to select the appropriate accommodation based on legitimate business justification, including but not limited to cost and campus/workplace impact.

Role of the ADA Coordinator in the Ongoing Process of Reasonable Accommodation

In assisting you with the process of requesting a disability-related accommodation, the ADA Coordinator:

1. Receives your Request for Disability Related Accommodation Form and Medical Provider Inquiry Form (and/or other accompanying medical documentation from your physician);
2. Reviews both forms to determine if you have a qualifying medical condition as defined by the ADA which the University is obligated to attempt to accommodate;
3. If it is determined that you have a qualifying condition, the ADA Coordinator contacts your supervisor to begin the Interactive Process with you, if it has not already been initiated;
4. Along with the Employee and Labor Relations Manager, the ADA Coordinator provides, upon request, guidance to employees, in requesting a reasonable accommodation, and to managers, and supervisors in engaging in the Interactive Process;
5. Maintains records related to your disability accommodation in a confidential file which is kept separately from your personnel file.

SUPERVISOR INFORMATION

The purpose of the Interactive Process is to determine whether for employees who, due to a disability, have limitations that prevent them from performing the essential functions of their job, a reasonable accommodation exists which will allow them to be able to perform those essential job functions. The following are the specific questions which the Interactive Process is designed to answer:

1. Does the employee have a disability which the Americans with Disabilities Act requires the University to attempt to accommodate? If so...
2. What are the essential, (as opposed to the non-essential) functions of the employee's job?
3. Does the employee have limitations that result from her/his disability? If so, what are those limitations?
4. Do those limitations interfere with the employee's ability to perform the essential functions of her/his job?

5. Is there a reasonable accommodation which the University can provide which would allow the employee to perform those essential job functions?
6. If so, what is that accommodation?

Guidelines

1. If the employee requests an accommodation, the employee need not use the words, "reasonable accommodation" in the request. If an employee says that s/he has a limitation or restriction, treat it as a request for an accommodation. The request need not be in writing. Also, it may come from a family member.
2. If the employee does not request an accommodation but you have knowledge that would put a reasonable person on notice that the employee needs an accommodation, you must begin the Interactive Process.
3. Do not ask for the employee's medical diagnosis or medical condition. Ask about the employee's job-related limitations caused by the medical condition.
4. You cannot compel an employee to identify an accommodation and cannot impose an accommodation upon an employee even if you believe that the employee needs it.
5. While the employee's input is taken into consideration, the employee and medical provider are not to choose the accommodation.
6. The employer is also not obligated to provide the employee's preferred accommodation. The employer may discuss the accommodation with the employee and provide an alternative accommodation that is reasonable, and which allows the employee to perform the essential functions of his/her job.
7. Few jobs, work environments and/or disabling conditions are entirely static, therefore no grant or denial of an accommodation is eternal. Thus, neither the reasonable accommodation nor the interactive process obligations of the employer are satisfied by a one-time participation in the process. The Interactive Process is for that reason, both open and ongoing, and an employer does not meet its obligation to engage in the Interactive Process by simply considering and rejecting the employee's suggestions for a reasonable accommodation.
8. Both supervisor and employee must continue to be open to monitoring, reviewing, modifying or even terminating an accommodation based upon the experience of how it has worked in the past or is working in the present in light of changed circumstances either in the workplace or with the employee. Each request should be considered on its own merit.
9. The Interactive Process must be accomplished in good faith and in a timely manner. Undue delays and obstructions by either the supervisor or the employee are documented by CSU, San Bernardino's ADA Coordinator for both the manager/supervisor and the employee.
10. Direct contact with the employee's medical provider is not permitted.
11. General advice:

- a. Act quickly;
- b. Be thorough;
- c. Communicate with the employee at every step; and,
- d. Document all the steps in the process and all proceedings.