

REASONABLE ACCOMMODATION

Purpose

The District is committed to providing a working environment that is free of discrimination. In accordance with the Americans with Disabilities Act of 1990 (ADA), the District does not discriminate against qualified individuals with disabilities in regard to job application procedures, hiring, advancement, training, compensation, benefits or discharge. It is the policy of the District to make reasonable accommodation for the known physical or mental limitations of qualified disabled applicants and employees, except when such accommodations would cause an undue hardship as defined herein.

Definitions

1. Disability with respect to an individual is defined by any of the following:
 - A person who has a physical or mental impairment that limits one or more major life activities such as walking, speaking, breathing, performing manual tasks, seeing, hearing, learning, caring for oneself, or working;
 - A person who has a record of such an impairment;
 - A person who is regarded as having such an impairment;
 - An individual who satisfies the requisite skill, experience, education and other job related requirements of the position and who, with or without reasonable accommodation, can perform the essential functions of such position.
2. Reasonable accommodation is a modification to the application or hiring process, the work environment, or the job to provide equal employment opportunity and/or equal benefits and privileges of employment, and which does not constitute an undue hardship on the employer. Reasonable accommodations are considered on a case-by-case basis. Examples of reasonable accommodation include:
 - Making existing facilities accessible and usable.
 - Changing tests, training materials or policies.
 - Offering part time or modified work schedules.
 - Restructuring the job duties.
 - Acquisition or modification of equipment and devices.

REASONABLE ACCOMMODATION (continued)

- Granting a leave of absence.
 - Providing qualified readers or interpreters.
 - Transfer or reassignment to a vacant position.
 - Elimination of non-essential job duties.
3. Undue hardship is an action that requires "significant difficulty or expense" in relation to the size of the employer, the resources available and the nature of the operation. Examples of undue hardship include any action that:
- is unduly costly;
 - is substantial;
 - is disruptive; or
 - fundamentally alters the nature or operation of District business.

Procedures and Responsibilities

1. Applicants with disabilities who wish reasonable accommodation shall:
- Submit a written request to the Deputy Superintendent, Personnel Services requesting either a specific accommodation or an opportunity to discuss a need for reasonable accommodation;
 - Be willing to provide appropriate documentation to support request for accommodation, if required;
 - Be willing to participate in an interactive process to determine an appropriate accommodation.
2. Employees with disabilities who wish reasonable accommodation shall:
- Submit a written request to the site administrator or department head requesting either a specific accommodation or an opportunity to discuss a need for reasonable accommodation;
 - Be willing to authorize the District to obtain appropriate medical information needed to evaluate the reasonable accommodation request;

REASONABLE ACCOMMODATION (continued)

- Be willing to participate in an interactive process to determine an appropriate accommodation.
3. Site administrators and department heads shall:
- Inform employees about the District's reasonable accommodation policy when job performance problems may be due to a disability.
 - Inform the Deputy Superintendent, Personnel Services, of all requests for reasonable accommodation.
 - Consult with the employee or applicant to determine his/her work-related limitations and how they may be accommodated.
 - Seek assistance from the Deputy Superintendent, Personnel Services, when medical documentation may be necessary.
 - Recommend approval of the requested accommodations when appropriate.
 - Consult with the Deputy Superintendent, Personnel Services, when unsure about whether the District can provide the specific accommodation requested.
4. The Deputy Superintendent, Personnel Services, is designated as the District's ADA Coordinator, and shall:
- Serve as a resource in the reasonable accommodation process.
 - Review recommendations of site administrators and department directors and concur/nonconcur with the proposed response.
 - Obtain and review medical information to determine if the requesting applicant or employee meets ADA criteria as an individual with a protected disability.
 - Review requests for accommodation, assess the essential job functions, engage in the interactive process with the employee or applicant, identify means for providing accommodation, assess the effectiveness of potential accommodations and make recommendations to site administrators and department heads, as appropriate.
 - Notify applicants and employees in writing of the approval/disapproval of reasonable accommodation requests.
 - Maintain a record of all accommodations requested, made and denied.

REASONABLE ACCOMMODATION (continued)

- Ensure the confidentiality of disability information.
- Inform the requestor in writing of the District's findings regarding his/her protected disability status.
- Review all cases involving industrially injured workers who are found to be Qualified Injured Workers to determine if they meet ADA protection criteria, and if so, ascertain if reasonable accommodation would enable them to perform their essential job functions; if yes, provide accommodation, if no, refer to vocational rehabilitation.

5. Reasonable Accommodation Committee:

- May be convened at the discretion of the Deputy Superintendent, Personnel Services, to assist in the determination of appropriate accommodations.
- Committee members shall be selected on the basis of their knowledge of the issues including: the essential job functions of the position, the physical work environment, types of reasonable accommodation, etc.
- The committee shall be chaired by the Deputy Superintendent, Personnel Services, other members may include a site administrator, a department head, a medical advisor, a rehabilitation consultant, a certificated or classified employee, depending on the particular circumstances.
- May determine whether an applicant or employee poses a direct threat to the health and safety of others based on objective, factual evidence, taking into consideration the duration of the risks, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the imminence of the potential harm.
- The Deputy Superintendent, Personnel Services, shall notify the applicant or employee in writing of the committee's decision.

Appeal Process

1. If an employee or applicant is not satisfied with the disposition of his/her request for reasonable accommodation, the employee or applicant may appeal to the Chief Compliance Officer or designee. This appeal shall be made within 10 working days of receiving the decision, and shall include a clear, concise statement of the reason for the appeal, and the specific remedy sought.

REASONABLE ACCOMMODATION (continued)

2. The Chief Compliance Officer, or designee, shall review the appeal, together with any supporting documents and provide a written decision to the applicant or employee within 15 working days of receiving the appeal.
3. Any further appeal for reasonable accommodation shall be considered a complaint concerning discrimination in employment and shall be processed in accordance with District's established Uniform Complaint Procedures BP1312.3 Uniform Complaints.

Sources of Additional Information

1. Deputy Superintendent, Personnel Services (ADA Coordinator)
Capistrano Unified School District
33122 Valle Road
San Juan Capistrano, CA 92675
(949) 234-9360
2. Chief Compliance Officer
Capistrano Unified School District
33122 Valle Road
San Juan Capistrano, CA 92675
(949) 234-9423
3. Equal Employment Opportunity Commission
Roybal Federal Building
255 East Temple St., 4th Floor
Los Angeles, CA 90012
(213) 894-1000
4. Department of Fair Employment and Housing
2101 East 4th Street, Suite 255-B
Santa Ana, CA 92705
(714) 558-4266

Policy

revised: June 14, 1999
revised: September 15, 2000
revised: August 13, 2001
revised: July 11, 2006

CAPISTRANO UNIFIED SCHOOL DISTRICT
San Juan Capistrano, California