

Standard Operating Procedure (SOP)

**Procedure Title**: ADA Employee Requests for Accommodation

**Procedure #**: HR 4.002.01

## Revision #: 000

**Unit Responsible:** Human Resources

**Individual Responsible**: Director of Total Compensation, Employment, HR Systems

**Effective Date**: 7/14/2022

**Initial Approval Date**: 3/18/2002

**Last Review/Update Date**: 7/14/2022

**Next Review Date**: 07/01/2024

## \*Does this procedure support a Board Policy? Yes

**If yes, identify**: [Board Policy 4.002](file:///H:\2018%20Files\Downloads\4-002_americans-with-disability-act-reasonable-accommodations.pdf)

Board policies can be found at: [LCC Board of Trustees Policy Page](https://lcc.edu/about/board-of-trustees/policies.html)

## \*Does this procedure support HLC criteria? No

**If yes, identify**:

HLC Criteria can be found at: [HLC Accreditation Criteria](https://www.hlcommission.org/Policies/criteria-and-core-components.html)

## \*Does this procedure support a State or Federal Regulation? Yes

**If yes, identify**: Americans With Disabilities Act of 1990 (ADA) and Sections 503/504 of the Rehabilitation Act of 1973

## \*Note: Standard Operating Procedures should be in furtherance of some LCC policy and/or accreditation criteria, even if the relationship is not direct. Assistance in determining this information can be obtained from the Academic Procedure Advisory Committee (APAC) and/or the Accreditation Liaison Officer.



**Employee Requests for Accommodation**

# Purpose

To ensure consistency in access and College review of requests for accommodation under the Americans with Disabilities Act for employee and applicants for employment.

# Scope

This SOP applies to all employees and applicants for employment.

# Prerequisites

n/a

# Responsibilities

The responsibility for the interpretation and administration of this procedure lies with the Director of Total Compensation, Employment and HR Systems.

# Procedure

# Introduction

Employees and applicants for employment shall follow these three steps to request an accommodation:

1. Identify to the College as a person with a disability,
2. Make a written request for an accommodation from the College, and
3. Provide appropriate documentation of disability and the need for an accommodation if so requested by the College.

Nothing in this document shall be construed to waive the College’s right to contest whether an employee or applicant is disabled or is entitled to an accommodation.

Employees may self-identify as a person with a disability. Self-identification as a person with a disability alone is not sufficient to obtain an accommodation. Rather, the procedures outlined in this document must be followed to request and, if appropriate, obtain an accommodation.

# Request Forms

A person with a disability may or may not need an accommodation. If an employee or applicant for employment believes that they need an accommodation, they may submit a request by completing a Request for Accommodation form ([link here](https://dynamicforms.ngwebsolutions.com/casAuthentication.ashx?InstID=97babbd0-178a-4ca3-80d8-0e52037f27eb&targetUrl=https://dynamicforms.ngwebsolutions.com/Submit/Form/Start/29840407-68ad-4742-9beb-a7194b814ad0)) and an Employee Medical/Documentation form ([link here](https://www.lcc.edu/hr/forms/documents/ada/medical-certification.docx)).

# Medical Documentation

At any time during the accommodation request process, the College may ask the employee for additional documentation of the disability and of the need for an accommodation. The employee will be required to provide that documentation. Medical documentation, as well as employee Requests for Accommodation forms will be maintained in a separate, confidential file apart from the main personnel file(s). Such documentation will be kept confidential, except as necessary to administer the accommodation process. Accordingly, such documentation will be shared only with those individuals involved in the accommodation process, on an as needed basis.

# Administrative Supervisor

When an employee approaches their administrative supervisor with a request for accommodation, the administrative supervisor should refer the employee to complete the required request form before proceeding.

# Human Resources Review

The Human Resources Department receives requests for accommodation and will work with the administrative supervisor and the employee to identify:

1. The essential job functions;
2. The employee’s ability to accomplish essential job functions with or without a reasonable accommodation;
3. If an accommodation is needed, possible types of reasonable accommodation;
4. Necessary medical/documentation;
5. Where appropriate, the cost or other technical impact information from resources including:
   1. The administrative supervisor, and other department supervision
   2. The employee
   3. LCC Physical Plant Office
   4. LCC Office of Risk Management and Legal Services
   5. U.S. Equal Employment Opportunity Commission
   6. U.S. Department of Justice
   7. Rehabilitation agencies
6. Whether any accommodation is needed and, if it is, whether an accommodation is reasonable and should be made (this evaluation may include preparing cost estimates);
7. A reasonable accommodation, if appropriate;
8. Input from the administrative supervisor and employee regarding the HR recommendation;
9. Appropriate funding for the recommended accommodation.

The Director of Compensation, Benefits and HR Systems, or designee, will engage in an interactive process with the employee, supervisor, and any other necessary parties. What constitutes a reasonable accommodation will vary depending on the circumstances of each case. In evaluating alternatives for accommodation, the preferences of the employee will be considered, but the ultimate decision regarding what type of accommodation, if any, will be provided is made by the College.

The Human Resources Department maintains records of accommodations made for persons with a disability and is available for consultations with employees or supervisors who are making assessments of accommodation requests.

# Appeals

If an employee disagrees with the accommodation determination, the employee may appeal the determination to the Executive Director of Human Resources.

# Reference

* + Under [Title I of the Americans with Disabilities Act](https://www.eeoc.gov/laws/guidance/fact-sheet-disability-discrimination) (ADA), a reasonable accommodation is a modification or adjustment to a job, the work environment, or the way things are usually done during the hiring process. These modifications enable an individual with a disability to have an equal opportunity not only to get a job, but successfully perform their job tasks to the same extent as people without disabilities. The ADA requires reasonable accommodations as they relate to three aspects of employment: 1) ensuring equal opportunity in the application process; 2) enabling a qualified individual with a disability to perform the essential functions of a job; and 3) making it possible for an employee with a disability to enjoy equal benefits and privileges of employment.
  + [Job Accommodation Network](https://askjan.org/index.cfm)

# Definitions

n/a