



## REASONABLE ACCOMMODATION

Reasonable Accommodation is governed by the Fair Employment and Housing Act (FEHA). FEHA regulations derived from the federal regulation – American Disabilities Act (ADA). The ADA regulation protects employees from discrimination based on a physical or mental disability. FEHA is a state protects employees from discrimination in the workplace and with housing, based on a on a physical or mental disability, as well as color, race, age, gender, sexual orientation, religion, and other categories.

The Interactive Process is the format used to engage and explore reasonable accommodation(s). The Interactive Process also ensures that reasonable accommodation options are explored to best support employees in accordance with Title I of the Americans with Disabilities Act (ADA) and the Fair Employment and Housing Act (FEHA). Under the ADA/FEHA, the District is required by law to 1) Engage in the Interactive Process and 2) Provide reasonable accommodation(s) for employees or applicants who, because of their disability, are limited in or unable to perform one or more of the essential functions of their job.

In order to come to a reasonable accommodation that is beneficial to the employee and to the District, a formal approach of engaging in the Interactive Process will be taken. Employees should understand that engaging in a formal Interactive Process does not guarantee a reasonable accommodation. However, in “good faith”, the District is always willing to explore reasonable accommodations. The necessary steps for engaging in a formal Interactive Process are listed as:

1. Obtain all supporting documentation from the physician who treats your condition. Get clarification where it is needed. **This requires you to sign the District’s medical release form. Medical Release form located in the Reasonable Accommodation folder.**
2. Explore any and all possible solutions from the employee’s perspective and the District’s perspective.
3. Schedule a meeting to discuss potential accommodations and meet with all necessary people. The necessary people will consist of the employee, union representation or whomever the employee wants present, the Disability Coordinator, employee’s supervisor or person with decision making ability and a person taking notes.
4. Complete post meeting agreements to ensure the action of the decisions made.
5. Follow up and close the file.

### **Who needs an accommodation?**

Any employee who has a documented disability that potentially hinders him/her from performing 100% of the job’s essential functions is eligible for an accommodation. Generally, the documented disability should be considered permanent or temporary - long term (6 months or more). The Disability should be documented by a qualified physician who is treating the disability. Under FEHA regulations, a person is considered disabled if he/she:



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- Has a physical or mental disability that limits one or more major life activity (working, getting yourself dressed, feeding yourself)
- Has a history of such an impairment known to the employer
- Is regarded or treated as having or having had such an impairment that has no presently disabling effects but may become a qualifying impairment in the future

### **When is an accommodation not reasonable (grounds for denial)?**

1. The accommodation poses an undue hardship on the employer
2. The employee cannot perform the essential job functions even with accommodation
3. The accommodation presents a danger to the disabled employee or other
4. The employee would not meet a bonafide occupational qualification
5. Another statutory requirement preempts the FEHA provision (e.g., safety laws under OSHA)
6. Another affirmative defense under FEHA applies

### **Process to apply**

If you are interested in the Interactive Process or if you suspect an employee is in need of reasonable accommodations, contact the Disability Management Coordinator in Risk Management at 510-879-8526 or by email at [tasha.polk@ousd.org](mailto:tasha.polk@ousd.org). In addition, please complete **only**, the Employee Information of the Intake Form. **Intake form located in the Reasonable Accommodation folder.**