

Reasonable Accommodation Application

Instructions: Disabled applicant(s) or employee(s) requesting reasonable accommodation for their disability must complete Sections A through D. The Human Resources Director or designee will review your request for an accommodation.

Section A--General Information

Name (Last) (First) (Middle Initial)	Social Security Number	Date	
Home Address	City	Zip Code	Home Telephone
Work Location and Telephone Number	Position Classification/Title	Please check (✓) one <input type="checkbox"/> Permanent <input type="checkbox"/> Temporary	

Section B--Statement of Condition/Reason for the Request

Describe the condition for which you are requesting an accommodation, including the status of your problem/condition. Also, describe the impact upon your job performance, identifying specific tasks, activities, etc. and how they are affected. (If necessary, attach additional pages.)

Section C--Request of Specific Accommodation

(1) Identify and describe any accommodation(s) that you feel is necessary. You may also include several alternate accommodations for consideration.

(2) Have you discussed your request with you campus Human Resources Director? If so to whom _____

Section D--Reasonable Accommodation--Medical Authorization

Please attach information from your attending physician(s) regarding the medical condition described by you in Section B and complete and sign the Authorization to Receive or Release Information form. Additional copies of this form may be requested from the Affirmative Action Director, if needed. Your application cannot be processed until the Release of Medical Information form is completed and signed by you.

Section E--Confidentiality Disclaimer

This application, attachments, and all medical information subsequently requested will be considered as confidential medical information and will be retained by the District Human Resources Office, except where released by the applicant for other use.

I certify that all the information contained in this application is true and correct. I understand that if I am granted an accommodation and if it is subsequently determined that the decision was based upon material misrepresentation or falsification, I am subject to disciplinary action by the District Office, my request will be canceled, and/or I will be subject to immediate consideration for transfer or termination.

Signature of Employee	Printed Name of Employee	Date
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Kern Community College District
 2100 Chester Avenue
 Bakersfield, CA 93301-4099

- Child Care
- Classified
- Confidential/Management
- Faculty

- Bakersfield College
- Cerro Coso College
- District Office
- Porterville College

Physician's Report on Work Status and Extended Sick Leave

To:	Date
From:	Fax Telephone Number (661) 336-5183

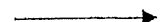
In accordance with current collective bargaining agreement provisions, the District may require that absences, as a result of illness or injury, that exceed three (3) days duration be verified by a physician indicating the reasons and projected length of disability. The District may also require you to document your ability to return to work and perform the essential functions of your position. It is necessary for you to have your doctor complete this form and immediately return it to the Human Resources Department. This form may be returned by regular U.S. Mail or faxed to the telephone number listed above---however the original copy must be received by the Human Resources Department.

PLEASE NOTE: Completion and submittal of this form shall not constitute acceptance of the medical determination of the reporting physician. The District also reserves the right to obtain an additional medical authorization before you may return to work if (1) dates are different from previous estimated date of return; or (2) if the return-to-work date is not in reasonable close proximity to the completion date of this form. To return to work, you must be able to perform the requirements of your position without restriction **OR**, if restrictions are medically necessary, the Human Resources Department must verify your ability to perform the essential functions of your position with reasonable accommodations.

Employee's Consent

I hereby authorize the release of medical information regarding my physical and medical condition relating to my absence and/or request to return to work from extended sick/medical leave to the SISC Safety and Loss Control department, my employer, Kern Community College District and my employer's designee, the Human Resources Department. Information disclosed pursuant to this form shall be used solely for the purpose of evaluating my ability to perform assigned work tasks. I agree to hold my physician(s) and his/her agents blameless for any liability that might arise as a result of the release of such information. This authorization shall be immediately effective upon my signature and shall expire upon my accepted release to return to work from this illness or injury. I understand that I have a right to receive a copy of this authorization.

Employee's Signature (Mandatory)	Date
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To Be Completed By Attending Physician
 (This information is subject to peer review by another doctor.)

I hereby verify that this employee has been seen by me on the following dates:

He/she is not able to perform the duties required in their position with the Kern Community College District as a result of illness.

Beginning Date	Ending Date
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Diagnosis/Prognosis

Estimated date of return to full duty and to perform the duties and responsibilities of their position as contained in the attached employee's job description _____.

OR Estimated date of return to work with specific restrictions as noted below.

Please be specific in identifying work restrictions prescribed to the patient/employee. Your detailed description will enable the District/employer to make appropriate placement decisions without the need for potential telephone clarification. The District/employer may have a variety of options regarding light duty assignments that may allow the patient/employee to rehabilitate and remain a productive member of the District staff without risk of re-injury. Unless otherwise indicated, the restrictions will be in effect until the next re-evaluation date indicated below.

Are any medications or braces/splints prescribed for the patient/employee? Yes No

If "yes" please identify and give an explanation. Medications Braces/Splints

Explanation:

Patient/Employee's re-evaluation date	
Physician's Printed Name	Telephone Number
Physician's Signature	Date

Attending physician can return completed form to patient/employee or mail to the Kern Community College District.

**Human Resources Department
Kern Community College District
2100 Chester Avenue
Bakersfield, CA 93301**

AUTHORIZATION TO RELEASE MEDICAL INFORMATION

This authorization for disclosure of medical information pertaining to the employee identified herein is provided in compliance with the terms of Confidentiality of Medical Information Act of 1981, Section 56, et. Sec., California Civil Code. The undersigned Employee/patient, hereinafter referred to as "Patient", hereby authorizes:

To release information relative to Patient's medical and/or emotional condition, including without limitations, all medical, psychiatric/counseling, x-rays, laboratory and hospital records pertaining to the undersigned Patient. The information shall be used solely for the purpose of evaluating patient's ability to perform the essential job functions of his/her position of assignment. By signature below, Patient agrees to indemnify and hold harmless the physician/facility from any liability arising from the release of said information to the Kern Community College District and its employees, agents, principals and attorneys.

This authorization shall become effective immediately upon signature of Patient and shall remain in effect for as long as necessary in order to allow a reasoned decision by the District regarding an appropriate employment/assignment/placement decision. A photocopy of this authorization shall be as valid as the original document. Patient understands and agrees that the District may not further use or disclose the medical information obtained unless another authorization is obtained from Patient or unless such use or disclosure is specifically required or permitted by law. Patient also acknowledges that he/she has a right to receive a copy of the executed authorization upon written request submitted to the Kern Community College District Human Resources Department.

Printed Name of Employee/Patient _____

Signature of Employee/Patient _____

Employee/Patient's Date of Birth _____

Date Signed/Effective Date _____

Copy Requested and Received: Yes _____ No _____ Date _____

Section Seven

(Previously Section Eleven. This BPM is in the process of renumbering)

General Personnel Administration

physical conduct or oral/written communication of an intimidating, hostile, or offensive sexual nature where:

Submission to such conduct is made either explicitly or implicitly a term or condition of employment or a student's status in a course, program, or activity; or

Submission to or rejection of such conduct is used as a basis for employment decisions or as a basis for academic or other decisions affecting a student; or

Such conduct has the purpose or effect of substantially interfering with an employee's work performance or a student's educational experience, or creates an intimidating, hostile or offensive working or academic environment.

7D2A2 The Kern Community College District is committed to maintaining a working and educational environment free of sexual harassment.

7D2A3 When an allegation of sexual harassment is brought to the attention of a supervisor, whether reported by the individual who is the subject of the alleged harassment, or by a witness, the supervisor shall report the allegation to the College Human Resources Manager. The College Human Resources Manager shall investigate the allegation according to Procedure **7D4A**.

7D2A4 An employee or student may be subject to disciplinary action for violation of this policy.

7D3 **Students and Staff with Disabilities**

7D3A The Kern Community College District shall adhere to the wording and the spirit of the Federal Americans with Disabilities Act (ADA) and accompanying laws and regulations that protect persons with disabilities in the State of California.

7D3A1 The Kern Community College District shall consider or retain for employment all qualified individuals who satisfy the requisite skills, experience, education, and other job related requirements and can perform the essential functions of the position with or without reasonable accommodations. Pre-employment physicals or drug testing shall be conducted after an offer of employment has been made. This offer of employment is conditioned on the employee either passing these tests, or providing proof of disability [as defined in the Federal Americans with Disabilities Act (ADA)]. The District will provide reasonable accommodation upon request to applicants and employees in accordance with the Federal Americans with Disabilities Act (ADA).

7D3A2 The District's goal is to remove barriers to ensure that all qualified employees or students with disabilities are not excluded from or denied the benefits of services, programs, or activities because District facilities are inaccessible or unusable. The District, in terms of existing structures or new construction, shall make every reasonable effort to remove existing architectural barriers to the disabled and/or provide architectural access.

7D3A3 To the best of its ability, the District shall also furnish disabled students and staff with appropriate aids and instructional services in order to provide an equal opportunity to participate in the services, programs, or activities conducted by the Colleges.

7D3A4 The District shall designate a coordinator for the ADA related activity at each of its Colleges. The coordinator shall monitor compliance efforts, investigate complaints, complete an initial ADA self-evaluation, and update this evaluation at least every three (3) years.

7D3A5 The ADA complaint procedure to be utilized shall be that described in **Procedure 7D4A**.

7D3B Access to Electronic and Information Technology (Added February 2, 2006)

7D3B1 Whenever the Kern Community College District enters into a contract for the purchase, development, procurement, maintenance, or use of any electronic or information technology, the equipment or services purchased shall comply with, or be capable of conversion to meet accessibility requirements of Section 504 of the Rehabilitation Act of 1973, as amended, and its implementing regulations. This requirement shall apply to software applications, operating systems, web-based intranet and internet information and applications, telecommunication products, video or multimedia products, and self-contained closed products such as copiers, and desktop and portable computers.

7D3B2 The District will negotiate with vendors with the intention of having them certify to the following provisions:

7D3B2A "The vendor warrants that the products or services to be provided under this agreement comply with, or be capable of conversion to meet, the accessibility requirements of Section 504 of the Rehabilitation Act of 1973, as amended, and its implementing regulations. Vendor agrees to respond promptly to and resolve any complaints regarding accessibility of its products or services that are brought to its

Kern Community College District Human Resources Guideline

Americans with Disabilities Act (ADA)

The ADA of 1990 is comprised of a series of titles and accompanying regulations designed to protect *qualified persons with disabilities* in the workplace including nondiscrimination related to employment opportunities, public accommodations and services.

Knowledge of following terms is helpful to abiding by the spirit and substance of the ADA.

- ***Disabled persons*** include those with permanent and substantial physical or mental impairment that limits one or more major life activities – i.e., *caring for oneself, performing manual tasks, physical mobility, seeing, hearing, speaking, breathing, learning, or working.*
- ***Disabilities*** under the ADA include but are not limited to: cerebral palsy, cancer, HIV disease, muscular dystrophy, hearing disorders, epilepsy, heart disease, mental retardation, alcohol abuse, and learning disabilities.
- ***ADA does not cover persons with temporary disabilities or injuries*** (broken bones, sprains, concussions, appendicitis, pregnancy, or current drug or substance abusers, etc.).
- ***Qualified persons*** possess the legitimate skills, experience, education, and other requirements to perform the essential functions of a job with or without reasonable accommodation.
- ***Essential job functions*** are those fundamental duties of a job, which if removed would seriously alter the nature of the job.
- ***Reasonable accommodation*** is any modification or adjustment to a job, the work environment or work methods that enables a qualified disabled person to perform all the essential job functions and enjoy equal employment opportunities with other non-disabled employees. ***Reasonable accommodation does not require that the District create a new position or bump an existing employee from his or her job.***

- ***Discrimination refers to any treatment in the workplace or personnel practice that deprives a disabled person (or a person closely associated with a disabled person – spouse, parent, sibling, etc.) of equal opportunity to be hired, promoted, compensated, or otherwise be as successful as an employee as a person without a disability.***

ADA applies to all District employment practices related to hiring, assignment, training, evaluation, disciplinary action, and promotion of disabled individuals. *Discriminatory practices* that are a violation of the ADA include the following.

- 1. Limiting, segregating or classifying job applicants or employees because of a disability in any way that would adversely affect their employment opportunities.**
- 2. Implementing job standards, performance criteria or administrative methods that discriminate on the basis of a disability.**
- 3. Denying equal job opportunities or benefits to an employee with a relationship or association with a disabled person.**
- 4. Failure to make a reasonable accommodation to a qualified applicant or employee with a known disability.**
- 5. Imposing qualification standards, employment tests or selection criteria that are not job related and that might have the affect of screening out persons with disabilities.**
- 6. Denying employment opportunities based on a person's disability.**
- 7. Use of medical examinations or pre-employment inquiries that discriminate against qualified persons with a disability.**
- 8. Requiring a pre-employment medical prior to making a conditional job offer.**
- 9. Requiring medical examinations or inquiries of current disabled employees, which are not job related.**

Two major areas of concern to the District are employee selection and reasonable accommodation for which the following guidelines should be used.

Employee Hiring Process

An applicant may have a disability that is not discovered until personal contact is made or an interview is given. A physical or mental disability may be apparent or the applicant may bring it up voluntarily.

For purposes of ADA, the hiring process can be viewed as having two phases: 1) the pre-job offer phase, and 2) the conditional job offer phase.

1. During the pre-job offer phase, no questions can be asked that address the applicant's health or whether or not it might impact his or her ability to perform essential job functions. This applies to questions on the application form as well as to job interviews. Examples of pre-job offer inquiries prohibited during interviews are:

- **Questions about past medical history, worker's compensation or personal injury claims.**
- **Questions on how a disability will affect the ability to perform the job and its essential functions.**
- **Questions about how the disability originated or its expected duration.**
- **Questions about emotional illness or consultation with a psychologist.**

Examples of permissible pre-job offer inquiries are:

- **Do you have a valid driver's license?**
- **Can you move "X" pounds of material from one place to another?**
- **Would you be able to arrive at work by 7:30 a.m. every day?**

Steps in preparing for the pre-job offer screening process (application forms, interviews, tests, etc.):

- Step 1:** **Ensure that a written job description is available that clearly lists the essential job functions, including the amount of time and frequency of performing the function, educational and/or experience requirements, and environmental considerations of the job.**
- Step 2:** **Review all interview questions to eliminate discriminating inquiries under ADA.**
- Step 3:** **Ensure that all questions and/or tests are applied to all applicants.**

- **ADA does not prohibit pre-employment tests, as long as they are directly related to essential job skills, apply to all applicants, and a reasonable accommodation is made for applicants with a disability.**
 - **If pre-employment tests are administered, ADA will not permit disabled persons to be excluded from jobs because they cannot perform a test. Alternative and reasonable accommodations must be provided before the test is administered or when a person with a disability realizes after starting or taking the test that he or she needs accommodation.**
2. **During the conditional job offer phase, interview questions for the applicant can ask if he or she has any health reasons why essential functions could not be performed with or without reasonable accommodation.**
- **If an applicant (or existing employee) is unable to perform essential job functions, even with reasonable accommodation, the ADA does not protect that individual.**
 - **Medical examinations are permitted only after making a genuine offer of employment to an applicant and before he or she begins job duties. (A conditional job offer may hinge on results of the medical exam.)**
 - **If a medical examination is required, all job applicants for the position must be required to take one regardless of an actual or suspected disability.**

Reasonable Accommodation

Reasonable accommodation may include, but not limited to job restructuring, part-time or modified work schedules, reassignment to vacant positions, modifying equipment or facilities. Accommodation may be necessary for existing employees who are or become disabled and make a request as well as job applicants who make the request.

- **Unless the disability is obvious, the applicant or employee must make the request for accommodation.**
- **ADA does not require that accommodations be for the personal benefit of the disabled individual. The accommodation need not be the best solution, but it must meet the needs of the person with the disability.**

- **Once a request is made, the ADA requires that the District have an interactive process with the disabled person regarding the appropriate accommodation.**
- **Reasonable accommodation** refer to modifications or adjustments that enable a qualified disabled applicant or employee to perform the essential job functions and permit such individuals to enjoy equal benefits and privileges of employment without *undue hardship* on the District.
- **Undue hardship** is determined by a number of factors related to the net cost of making the accommodation in relation to the District's financial resources, and the impact of the accommodation on the operation of the District and other employees. Determination of undue hardship is made on a case by case basis.

Steps in the District Interactive Process

Step 1: *Prepare for the interactive process meeting with the disabled individual by identifying the potential accommodations that might meet his or her needs. Some of the options to be considered are:*

- **Making existing facilities used by employees accessible to persons with disabilities (lounges, restrooms, etc.).**
- **Acquisition of modified equipment or devices used on the job.**
- **Use of special training materials.**
- **Use of qualified readers, interpreters and other such accommodations.**
- **Job restructuring.**
- **Part-time or modified work schedules.**
- **Reassignment to vacant positions.**

Step 2: *Schedule a meeting between the disabled applicant or employee and at least two District representatives in order to fulfill the interactive process requirements of ADA.*

Step 3: *Present the potential accommodations during the interactive process meeting.*

- *If an existing employee is the disabled person involved and reassignment to a vacant position is an option, try to identify two to five positions in the same general classification. Sometimes these options may be full or part-time and may be at or below the*

employee's current classification. However, finding and offering multiple positions shows good faith on the part of the District. The disabled applicant or employee must decide whether or not the options accommodate his or her needs.

Step 4: *Ask the applicant or employee to indicate in writing which accommodation is acceptable. If reassignment to a vacant position is an option, have employee indicate in writing on a form that is attached to each position, their acceptance or rejection.*

- *If an employee accepts reassignment to one of the vacant positions offered, the District has fulfilled its obligation to make a reasonable accommodation. If the employee accepts the accommodation, the District may ask for medical verification that the person be fit for duty in that position.*
- *An employee is not required to accept a position that is offered. If the employee rejects all of the offered vacant positions for which he or she is qualified, the District has fulfilled its obligation to provide reasonable accommodations for purposes of ADA.*
- *ADA does not require that the District create a new position or bump an existing employee to accommodate a disabled applicant or employee.*

Step 5: *Document the interactive process, stating the date, time, location, names of participants, and specific terms of agreement and the decisions that were reached.*

- *All documents and forms used in the interactive process should be turned over to the District Human Resources office as soon as possible.*
- *The District Human Resources office will retain all records and files pertaining to ADA cases and interactive process results.*

Comments on ADA Guidelines:

1. *This guideline is long, perhaps due to the fact that there is no formal District policy to relate it to.*
2. *The format includes educational information as well as some procedural steps for job interviews and the interactive process. It contains a summary of all the documents you provided.*

- 3. Step 4 (on page 5) indicates that there is a form attached to each position for a disabled person to sign in accepting or rejecting potential job vacancies as an accommodation. This phrase came from pink sheet that was labeled, *Draft Procedure, American's with Disabilities Act*. I could not find a copy of the form in the papers you gave me. So if you have one, you may want to attach it to this guideline. If not, create one or delete the reference from Step 4.**

KCCD HR 3-7-2000