

## REASONABLE ACCOMMODATION TOOL

---

This tool<sup>1</sup> is intended as information for Equal Employment Opportunity (EEO) Officers to ensure critical elements are included in training programs for supervisors and managers on their shared responsibilities in providing reasonable accommodation (RA) to employees with a disability.

A RA is any modification or adjustment to a job or the work environment or in the way things are customarily done, that enables an individual with a disability to enjoy equal employment opportunity. RA ensures equal opportunity in the job application/examination/hiring processes that will enable a qualified applicant or employee with a disability to participate in the application/exam processes, perform the essential functions of the job, and/or any other job for which they meet minimum qualifications.

### I. Job Application/Examination/Hiring

- Consult with and involve all departmental RA personnel as needed, e.g., the RA Coordinator, EEO Officer, Personnel Officer, Return to Work (RTW) Coordinator, Health & Safety Officer or designee;
- All candidates should be informed in advance what the interview entails (e.g., location, written and/or oral). This allows prospective candidates the opportunity to request RA, if needed; and
- Prior to the interview, arrange needed RA, or provide written explanation why the requested RA is denied.

### II. On the Job

The request for RA may come about in various ways. A request may come from a new or current employee, the employee's supervisor, representative, and/or medical practitioner. A request may be made orally or in writing. The employee is not required to use the term RA.

---

<sup>1</sup> This is not a determination of your agency's legal rights or responsibilities under California's Fair Employment and Housing Act (FEHA) and the Americans with Disabilities Act (ADA). It is highly recommended the departmental Legal Office is consulted throughout the process.

- Consult with and involve all departmental RA personnel as needed, e.g., the RA Coordinator, EEO Officer, Personnel Officer, RTW Coordinator, and Health & Safety Officer or designee;
- Review, inform, and provide RA policy and procedures to employee, including who to contact if they have questions;
- Promptly respond to RA requests. Immediately begin engaging in the interactive process and act in good faith; and
- Document the request and any subsequent communication throughout the interactive process.

It is recommended that the employer elicit the following information<sup>2</sup> when interacting with the employee on his or her requests for RA:

- The type of accommodation being requested, if known;
- The functional limitations (e.g., “No lifting over 10 pounds”) that makes it difficult for the employee to perform the essential functions of the position and/or to participate in the benefits and privileges of employment and, which serves as the basis for the accommodation request; and
- An explanation of how the accommodation will allow the employee to perform the essential functions of the position.

Evaluation of RA alternatives must<sup>3</sup> be completed timely and in good faith. Departmental RA personnel, including the managers/supervisors, must participate in *an interactive process* with the requesting employee in the following areas:

- Maintain confidentiality regarding the employee’s request and/or need for RA;
- Unless the need is obvious or otherwise known, obtain the employee’s consent to verify there is a medical need for RA from the employee’s health care practitioner (limitations/restrictions, not diagnoses, and any suggested accommodations);
- Analyze the purpose and essential functions of the employee’s position and how limitations directly affect the employee’s ability to perform the essential functions;

---

<sup>2</sup> Executive Order 13164

<sup>3</sup> California Government Code Section 12940 (m) – (o)

- Discuss with the employee and/or his or her representative, to identify and assess potential RAs and the options available to mitigate the employee's limitations in performing the essential functions of the position;
- Confirm information and agreements from discussions in writing to avoid any misunderstandings;
- Treat medical records in a confidential manner and keep them separate from all other employee and personnel files;
- Maintain communication with the employee on an ongoing basis to keep them apprised of the status of the accommodation request;
- Implement an accommodation that is reasonable, most appropriate and effective for the employee and employer. The accommodation need not be the best or most expensive accommodation available as long as it is reasonable and effective; and
- Monitor accommodation regularly for effectiveness and appropriateness. An employee's medical status may change or the RA may no longer be effective or needed.

### III. Training, Events, and Meetings

- Consult with and involve all departmental RA personnel as needed, e.g., the RA Coordinator, EEO Officer, Personnel Officer, RTW Coordinator, and Health & Safety Officer or designee on employer-sponsored training, events, and meetings;
- Ensure RAs are in place for employees at work-sites, at work-related social events, and when travel is required. Consider the following:
  - Training announcements should include a contact for RA requests
  - TTY and/or California Relay Service or Video Relay Service is arranged;
  - Training facilities are accessible;
  - Sign Language interpreters and/or real-time captioning are arranged;
  - Once the need is initially established, accommodations are provided routinely without requiring new requests; and
  - Documents or any training information are provided in alternate formats.
    - Captioned film or videos;
    - Large print or Braille written materials.

#### IV. Safety/Emergencies/Evacuation

- Consult with your department's Health & Safety Officer to ensure needs of individuals with disabilities are included in an emergency plan, which has been discussed with employees;
- Ensure the physical work environment is suitable and accessible for those with a disability.

#### V. Medical Information

Exploration of RA may vary in Departments.

- Consult with and involve all appropriate RA personnel as needed, e.g., the RA Coordinator, EEO Officer, Personnel Officer, RTW Coordinator, Health & Safety Officer or designee;
- Determine the information needed to accommodate the employee
- Treat medical information in a confidential manner;
- Unless the need is obvious or otherwise known, obtain the employee's consent to verify there is a medical need for RA from the employee's health care practitioner (limitations/restrictions, not diagnoses, and any suggested accommodations);
- If the employee does not agree to provide consent, request that they obtain this specific information and provide it to the RA Coordinator or other identified staff member as identified previously;
- Set a date for the employee to provide this information;
- If not received by the date, follow up with the employee and the RA Coordinator (or other identified staff member) and document this interaction/information; and
- Request that the medical practitioner reviews the list of essential functions and comments on and/or provides any suggested accommodations.

## VI. Procurement – Equipment and Services

- Consult with departmental RA personnel as needed, e.g., the RA Coordinator, EEO Officer, Personnel Officer, RTW Coordinator, Health & Safety Officer or designee, and/or Contracts/Procurement office;
- Plan early to avoid delay in procuring needed tool or service;
- Consider RA a priority; and
- Keep employee apprised of the status.

## VII. Denying or Modifying a RA request

- Consult with and involve all appropriate RA personnel as needed, e.g., the RA Coordinator, EEO Officer, Personnel Officer, RTW Coordinator, Health & Safety Officer or designee before denying or modifying a RA request;
- Consult with the employee on alternative RA solutions that are reasonable, effective, and appropriate; and
- Inform the employee of their appeal rights.

## REASONABLE ACCOMMODATION RESOURCES

---

### Department Resources

- Departmental Policies
- Reasonable Accommodation Coordinator
- Equal Employment Opportunity Officer
- Personnel/Human Resources Office
- Return to Work Coordinator
- Health & Safety Officer
- Labor Relations Officer
- Procurement staff

### External Resources

- California Department of Human Resources (CalHR) [www.calhr.ca.gov](http://www.calhr.ca.gov)
- State Personnel Board (SPB) - [www.spb.ca.gov](http://www.spb.ca.gov)
- Department of Rehabilitation (DOR), Disability Access Services Section - <http://www.dor.ca.gov/ada>
- Department of General Services (DGS) – [www.dgs.ca.gov](http://www.dgs.ca.gov)
- Department of Fair Employment & Housing - [www.dfeh.ca.gov](http://www.dfeh.ca.gov)
- Equal Employment Opportunity Commission - [www.eeoc.gov](http://www.eeoc.gov)
- Job Accommodation Network - <http://askjan.org/>

This document was created in collaboration with representatives from SPB, Department of Rehabilitation, California Department of Corrections and Rehabilitation, Department of Health Care Services, Department of General Services, Department of Personnel Administration, and the California Civil Rights Officers Council.