

AMERICANS WITH DISABILITIES ACT

3.25060 OP
OPERATIONAL
PROCEDURE

OVERVIEW

The purpose of the procedure is to outline the process for requesting a workplace accommodation for Metropolitan Community College (MCC) employees as allowed under the Americans with Disabilities Act or the Pregnant Workers Fairness Act.

PROCESS

PROCEDURE
MODIFICATION

This procedure must be reviewed regularly by Human Resources at a minimum of every five years.

APPLICABILITY

This procedure applies to MCC employees and applicants for employment.

ELIGIBILITY

In order to qualify for an accommodation under the Americans with Disabilities Act (ADA), an individual with a disability is a person who:

- Has a physical or mental impairment that substantially limits one or more major life activities (major life activity may include walking, breathing, speaking, performing manual task, seeing, hearing, learning, caring for oneself, sitting, standing, lifting, or reading);
- Has a record of such impairment; or
- Is regarded as having such an impairment.

While pregnancy itself is not a disability under the ADA, some pregnant workers may have one or more impairments related to their pregnancy that qualify as a “disability”.

In order to qualify for an accommodation under the Pregnant Workers Fairness Act (PWFA), effective as of June 27, 2023, an individual must experience known limitations related to pregnancy, childbirth, or related medical conditions.

ROLES AND
RESPONSIBILITIES

The following are requirements and responsibilities of an employee or applicant who is requesting an accommodation:

1. If an employee or applicant has a disability or limitation that requires an accommodation in order to perform the essential functions of their job or desired job, the employee or applicant must initiate an accommodation request via email to HR.Benefits@mcckc.edu, and identify the adjustment or change at work that is needed because of a disability.

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OFFICE OF RESPONSIBILITY: HUMAN RESOURCES

The Benefits Team will then email the employee or applicant the appropriate form, to include: the ADA Request for Accommodation Form or the Pregnant Workers Fairness Act Accommodation Request Form, which the employee or applicant will fill out requesting the accommodation. The email containing the ADA Request for Accommodation Form will also include the ADA Physician Statement which the employee or applicant will have completed by their physician. Medical information will be treated as confidential and disclosed only as permitted by law, but supervisors and managers may be informed regarding necessary restrictions and accommodations, and first aid and safety personnel may be informed, when appropriate, if the disability or limitation may require emergency treatment.

Upon completion and return of the required forms mentioned above to the Benefits Team, they will determine whether the individual has a qualifying disability or limitation. If so, the interactive process to identify a reasonable accommodation(s) that works for the employee and MCC will begin.

INTERACTIVE PROCESS

The following outlines the interactive process involving the Benefits Team, the employee or applicant, and the relevant supervisor.

1. Analyze the particular position involved and determine its purpose and essential functions.
2. Consult with the individual with a disability or limitation to ascertain the precise job-related limitations imposed by the individual's disability or limitation, and how those limitations could be overcome with a reasonable accommodation.
3. In consultation with the individual to be accommodated, identify potential accommodations and assess the effectiveness each would have in enabling the individual to perform the essential functions of the position.
4. The Benefits Team will consult with the relevant supervisor to discuss reasonable accommodations that will enable the employee or applicant to perform the essential functions of the job and whether such accommodations would impose an undue hardship. If no reasonable accommodation is possible in the employee's current position, or if the accommodation would impose undue hardship, reassignment to an open position that the employee is qualified for may be an option.

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DETERMINATION	Once the interactive process is complete, the Benefits Team will grant or deny the accommodation request. In granting an accommodation, the Benefits Team will consider the preference of the employee or applicant. However, the College is responsible for making the ultimate decision among effective options.
GRIEVANCE	Employees or applicants whose request for accommodation has been denied and who wish to file a complaint of disability discrimination may do so pursuant to the College's Nondiscrimination Policy.
IMPLEMENTATION	Once an accommodation has been identified, the accommodation must be implemented. If equipment is involved, it must be properly installed, and the employee must be trained on its proper use. If the accommodation involves a schedule change or policy modification, then certain managers or supervisors may need to be informed of the change for effective implementation
ACCOMMODATION REVIEW	All employees, ADA and PWFA accommodation will be reviewed at a minimum of every six (6) months. This is to ensure that the accommodations currently granted are still reasonable and/or effective. This review will address whether there is still a need for the current accommodation, any current issues or concerns about the current accommodation by either the employee or supervisor, and/or MCC's need to change the accommodation due to a material change in circumstances that creates an undue hardship or change of essential functions.
RESPONSIBLE PARTY	Human Resources
PROCEDURE MODIFICATION	This procedure may be reviewed regularly by Human Resources bi-annually and approved by the responsible officer.
ENFORCEMENT	This operational procedure and applicable regulations shall be strictly enforced. Violations may result in disciplinary action up to and including termination.
VALUES ALIGNMENT	Equity, People

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NOTIFICATION

The responsible officer will ensure districtwide communication is made within 30 days of approval through the college-wide communication platform available.