



Title of Procedures: Reasonable Accommodations

Procedures (check one): New Revised

Applies to (check all that apply):

Faculty Staff Students

Division/Department: _____ College

Topic/Issue:

To establish compliance with the ADA Amendments Act.

Background to Issue/Rationale for Procedure:

Baltimore City Community College is committed to the fair and equal employment of people with disabilities.

State/Federal Regulatory Requirements (cite if applicable):

Title I of the Americans with Disabilities Act (ADA) of 1990, as amended, 42 U.S.C.12102, et seq.

Section 505 of the Rehabilitation Act of 1973 as amended, Title 34 C.F.R. Section 104.12

Executive Order 01.01.207.15 Code of Fair Employment Practices.

Annotated Code of Maryland State Personnel and Pension Article, Title 5.

Annotated Code of Maryland, Article 49B 14, 15, 16.

Proposed Procedural Language:

It is the policy of Baltimore City Community College to provide disabled job candidates and employees who meet the job requirements of the position, with reasonable accommodations, as required by the Americans with Disability Act (ADA) as amended.

A. Definitions:

1. **Substantially Limits:** Generally, an inability to perform a major life activity that the average person in the general population can perform. Additionally, this term includes restrictions as to the condition, manner, or duration under which an individual can perform a particular major life activity as compared to the average person in the general population. This should be broadly interpreted without consideration of mitigating measures such as:

- a. Medications, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids, cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies.
 - b. Use of assistive technology;
 - c. Reasonable accommodations or auxiliary aids or services; or
 - d. Learned behavior or adaptive neurological modifications.
2. **Major Life Activities:** Includes, but is not limited to, functions such as caring for one-self, performing manual tasks, walking, seeing, hearing, speaking, breathing, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating, learning, and working. Also includes major bodily functions, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
3. **Qualified individual with a disability:** An individual with a disability that meets the job requirements of the position and who, with or without reasonable accommodation, can perform the essential functions of such position.
4. **Essential Functions:** The fundamental job duties of the employment position. The term “essential functions” does not include the marginal functions of the position.
5. **Reasonable Accommodation:**
- Modification(s) or adjustment(s) to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or
 - Modification(s), adjustment(s), or change(s) to a job or work environment with regard to the manner or circumstances under which the position held or desired is customarily performed, which enable a qualified individual with a disability to perform the essential functions of that position; or
 - Modification(s) or adjustment(s) that enable a disabled employee with a disability to enjoy equal benefits and privileges of employment as enjoyed by other similarly situated employees.
6. **Undue Hardship:** Significant or expressed difficulty incurred by the employer to provide a reasonable accommodation. The College has the responsibility of proving that providing a reasonable accommodation would impose hardship on the College.

B. Guidelines:

1. Confidentiality

All documents concerning candidates, or an employee's reasonable accommodations request should be maintained in confidential files, separate

from the employee's official personnel file, or in the case of candidates, their application, in accordance with applicable confidentiality laws and regulations. All such documents are stored in the Office of Human Resources.

2. Processing a Request for Accommodations

An employee makes a request for a reasonable accommodation to the Office of Human Resources. Requests can be written or verbal. The adjustment or change must be for a disability, and need not mention the ADA, or use the phrase "reasonable accommodation."

3. Reasonable Accommodations Request Form

The Office of Human Resources' ADA representative will ask the employee to complete the Reasonable Accommodation Request Form. If the candidate or employee cannot fill out the form, a Human Resources employee will complete the form and document the request.

This form can be accessed in the Office of Human Resources and on the Office of Human Resources web page under forms. The Office of Human Resources will review all requests submitted and may ask for documentation.

4. Medical Documentation

Medical documentation may be needed to establish that the employee has a disability and requires reasonable accommodation. The medical documentation should explain the disability and functional limitations. The College will not request documentation that is unrelated to determining the existence of a disability and the necessity for accommodation. The Office of Human Resources may ask for an additional medical opinion from the State's Medical Office.

5. Interactive Process

The Office of Human Resources' ADA representative will initiate the interactive process with the candidate or employee within ten days of receipt, (time can be extended by the Executive Director of Human Resources for good reason or mitigating circumstances) to determine the needs and to identify the appropriate reasonable accommodation.

Examples of questions asked regarding accommodations (not limited to):

- What limitations are you experiencing?
- To what degree do these limitations affect your performance?
- What specific tasks are problematic?
- What accommodations will help you perform the tasks that are problematic?

6. Reasonable Accommodation Effectiveness

The College is not required to provide the reasonable accommodation that the employee requests. The College may select among reasonable accommodations as long as the chosen accommodation is effective. The Office of Human

Resources' ADA representative will work with facilities and with the appropriate department/ President Staff member to determine the best accommodation.

7. Case-by-Case Basis

Undue hardships are determined on a case-by-case basis.

- The nature and net cost of the accommodation needed under this part, taking into consideration the availability of outside funding;
- The overall financial resources of the College involved in the provision of the reasonable accommodation, and the effect on resources;
- Legitimate safety concerns; and
- The impact of the accommodation upon the operations of the College, including the impact on the ability of other employees to perform their duties and the impact on the College's ability to conduct business.

8. Decision Process in Writing

The decision to grant or deny a reasonable accommodation request should be in writing by the Executive Director of Human Resources. Where the College has denied a requested reasonable accommodation but offered to make a different one in its place, the College's notice should explain both the reasons for denial of the requested accommodation and the reasons it believes the chosen accommodation will be effective. The notice will contain the appropriate appeal notice to the decision.

Implementation Date: April 24, 2012

Proposed by: Executive Director- Human Resources
Vice President/Senior Staff Member

Originator/Division: Human Resources/Office of the President