



LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

TITLE: Reasonable Accommodation for Individuals with Disabilities

NUMBER: BUL-4569.1

ISSUER: Enrique Boull't, Chief Operating Officer
Office of the Chief Operating Officer

David Holmquist, General Counsel
Office of General Counsel

DATE: June 9, 2014

ROUTING

All Employees
All Locations

POLICY: The District is committed to providing equal employment and educational opportunities for individuals with disabilities and does not discriminate on the basis of a disability in its employment, programs or activities.

MAJOR CHANGES: This Bulletin replaces BUL-4569.0, dated November 24, 2008. This Bulletin reflects current state and federal requirements, provides guidance and current procedures for responding to employee/applicant requests for reasonable accommodation, and contains updated information regarding the related resources.

BACKGROUND: Federal and state laws and District policy provide that no individual shall be denied the right and opportunity to seek, obtain and hold employment, or be subjected to discrimination by reason of a disability. This is in accordance with Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act Amendments Act (ADAAA), Fair Employment and Housing Act (FEHA), and applicable state laws.

An employee may have separate rights to protected leave under the Family and Medical Leave Act (FMLA), California Family Rights Act (CFRA), LAUSD policies, and/or bargaining unit agreements.

GUIDELINES: The reasonable accommodation process requires the cooperation of all involved to ensure that individuals with a disability are provided the accommodation necessary to perform the essential functions of their job and receive the benefits and privileges of employment. Federal and state statutes mandate that the employer engage the employee/applicant in an interactive process to determine effective reasonable accommodation any time the employee/applicant requests a reasonable accommodation, or if the



LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

disability is known and the employer becomes aware of a potential need for accommodation.

INTERACTIVE PROCESS:

A timely and good faith discussion, preferably in person, between an employee/applicant requesting an accommodation and the site administrator/designee in order to determine an effective accommodation. A timely, good faith interactive process is mandated by state and federal law and must occur whether or not the interactive process would result in an obligation to provide a reasonable accommodation.

REASONABLE ACCOMMODATION PROCESS:

The reasonable accommodation process shall begin as soon as the employee/applicant makes a request for accommodation to the site administrator/designee or the Reasonable Accommodation Program.

Pursuant to relevant regulations, the request does not need to be in writing, nor does the employee/applicant have to use special words such as “reasonable accommodation” or “disability.” A verbal request should be documented in writing by the employee/applicant or site administrator/designee. The site administrator/designee shall provide assistance to any employee/applicant who, because of a disability, cannot complete a written request. Alternately, the site administrator/designee may refer the individual to the Reasonable Accommodation Program for assistance in completing a written request.

Even in the absence of a verbal or written request, if the disability is known and the need for accommodation to perform the essential job functions is obvious or apparent, the site administrator/designee shall ask the individual with a disability if he/she perceives a need for accommodation. This must be done promptly and carefully in order to avoid an improper inquiry about an employee's/applicant's possible disability. The site administrator/designee shall consult with the Reasonable Accommodation Program staff if there are any questions regarding the propriety of an inquiry.

The site administrator/designee is expected to evaluate and implement accommodations that are reasonable and necessary. In general, the process for identifying a reasonable accommodation is as follows:

- The site administrator/designee shall acknowledge and meet with the employee/applicant within a reasonable period of time upon the request for accommodation being made.
- The site administrator/designee shall review and consider the particular job position involved and determine its purpose and actual



LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

essential job functions, including but not limited to, a review of the job duties, responsibilities, and class description in comparison to the individual's medical restrictions.

- The site administrator/designee shall engage in the interactive process by meeting with the employee/applicant to determine his/her specific physical or mental abilities and limitations as they relate to essential job functions, identify the barriers to job performance, and assess how these barriers could be overcome with reasonable accommodation. Medical confidentiality must be maintained at all times during the interactive process.

Unless the disability and the need for accommodation are obvious (for example, the employee/applicant is in a wheelchair and requests accessibility), the employee/applicant shall provide medical documentation to support his/her request for reasonable accommodation.

Reasonable medical documentation confirms the existence of the disability and the need for reasonable accommodation. Where necessary to advance the interactive process, reasonable medical documentation may include a description of physical or mental limitations that affect a major life activity that must be met to accommodate the employee. Disclosure of the nature of the disability is not required.

The District has the right to request additional medical information if the information submitted by the employee/applicant does not clearly explain the need for reasonable accommodation or does not explain how the requested accommodation will assist the employee/applicant in the performance of the essential functions.

The request for additional medical information must be specific to the disability for which the employee/applicant is requesting a reasonable accommodation and the functional limitations caused by the disability. The medical documentation should include information that the employee or applicant has a physical or mental condition that limits a major life activity or a medical condition, and a description of why the employee or applicant needs a reasonable accommodation to have an equal opportunity: to participate in the application process and to be considered for the job, or to perform the employee's job duties, or to enjoy equal benefits and privileges of employment compared to non-disabled employees.

In consultation with the individual, the site administrator/designee shall identify any potential accommodations and assess how effective each would



LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

be in enabling the individual to perform essential job functions and enjoy the benefits and privileges of employment. The Reasonable Accommodation Program is available to provide assistance to all participants in the interactive process as well as throughout the reasonable accommodation process.

If there are several effective accommodations that would provide an equal employment opportunity, the site administrator/designee shall consider the preference of the individual with a disability and select the accommodation that best serves the needs of the individual and local site. The accommodation need not be the most expensive or exactly what the employee/applicant requested, but the accommodation must be effective. If the interactive process does not identify an appropriate accommodation, technical assistance is available from the Reasonable Accommodation Program.

The site administrator/designee shall document the results of the interactive process.

If a reasonable accommodation cannot be made at the local site for any reason, the site administrator/designee shall inform the employee/applicant of the formal reasonable accommodation process.

An employee/applicant may request an application for reasonable accommodations from his/her site administrator/designee, online at <http://reasonableaccommodation.lausd.net>, via email by sending a request to disabilitymanagement@lausd.net, or by calling (213) 241-1319.

FORMAL PROCESS:

Upon receipt of the application materials from the employee/applicant or supervisor, the Reasonable Accommodation Program will issue the employee/applicant a written acknowledgement of the receipt of the application for reasonable accommodation.

If the information submitted by the employee/applicant is insufficient, the disability coordinator may make a referral to the district medical director. The District reserves the right to obtain additional medical information, including an independent medical examination of the employee/applicant, which is job-related and consistent with business necessity as allowed under the law.

In addition, the disability coordinator may convene a Reasonable Accommodation Committee. The Reasonable Accommodation Committee shall be comprised of certificated and classified District employees who



LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

convene to consider requests for reasonable accommodation where an accommodation cannot be made at the local work site. The employee/applicant requesting an accommodation shall participate in person or by telephone to address the Committee and may provide additional material and documents relevant to his/her accommodation request. The site administrator may also be invited to address the Committee where appropriate.

Employees who are referred to the Reasonable Accommodation Program by Employee Health Services may be required to meet with the Medical Director for further review prior to being allowed to return to work.

Those individuals who are seeking reemployment and are referred to the Reasonable Accommodation Program may need to be evaluated by the District Medical Director following the determination of the Reasonable Accommodation Committee.

APPEAL PROCESS:

An employee/applicant who disagrees with the Reasonable Accommodation Committee's decision may file a written appeal using Attachment B, "Appeal of Reasonable Accommodation Decision," with the District's Educational Equity Compliance Office no later than thirty (30) calendar days of the date of receipt of the Reasonable Accommodation Committee decision letter.

A Reasonable Accommodation Appeal Committee comprised of District employees will be convened to reconsider the decision of the Reasonable Accommodation Committee. These Committee members shall not be selected from the Reasonable Accommodation Committee that previously considered the accommodation request.

The Committee will meet within forty-five (45) calendar days of receipt of the request for appeal. The employee/applicant requesting an appeal shall participate in person or by telephone to personally address the Committee, and may provide additional materials and documents relative to the appeal. The site administrator/designee may also be invited to address the Reasonable Accommodation Appeal Committee when appropriate. These appeal procedures have been developed to ensure that the District complies with state and federal laws and implementing regulations.

Employees with accommodations approved by either the Reasonable Accommodation Committee or Reasonable Accommodation Appeal Committee who later transfer to a new location or site have the responsibility to notify their new supervisor of their approved



LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

accommodation. Additionally, the employee is responsible for notifying the Reasonable Accommodation Program at (213) 241-1319. This will facilitate coordination and implementation of the approved accommodations at the new location, if necessary.

NON-RETALIATION PROTECTIONS:

The District prohibits retaliation against an employee/applicant who makes a request for reasonable accommodation, files an appeal of a reasonable accommodation decision, or participates in the reasonable accommodation process.

ACCOMMODATIONS OFFSITE:

Accommodations that are provided at an employee's usual worksite may need to be provided for off-site meetings/trainings or when working outside their usual place of work. The meeting/training organizer must ensure that District sponsored events are located at facilities that are accessible to employees with disabilities. When the facility is not able to provide a necessary accommodation, it is the responsibility of the meeting/training organizer or supervisor to arrange that accommodation.

The Reasonable Accommodation Program staff is available to provide assistance in arranging for accommodations. In order to provide timely assistance the Reasonable Accommodation Program should be given adequate advance notice of the need for an accommodation.

NOTIFICATION POSTING:

The District's 3-part employer poster, which includes the required Department of Fair Employment and Housing notice, "California Law Prohibits Workplace Discrimination and Harassment," and the required Equal Employment Opportunity Commission notice, "Equal Employment Opportunity is the law," shall be displayed in a prominent location.

AUTHORITY:

This is the policy of the District Superintendent of Schools. The following legal standards are applied to this policy:

- Americans with Disabilities Act Amendments Act
- Fair Employment and Housing Act
- Section 504 of the Rehabilitation Act of 1973

RELATED RESOURCES:

- Enforcement Guidance, Equal Employment Opportunity Commission: www.eeoc.gov/policy/guidance
- Live Animal including Guide Dog/Service Animals and Training Dogs/Service Animals, in the Classroom, at school events and at District-sponsored activities, Los Angeles Unified School District Policy BUL-3304



LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

- Nondiscrimination Required Notices, memorandum issued annually by the Office of the General Counsel
- Stay at Work Policy, Los Angeles Unified School District, available at <http://stayatwork.lausd.net>

ASSISTANCE:

Reasonable Accommodation Program (213) 241-1319

TTY: (213) 241-6882

Email: disabilitymanagement@lausd.net

Website: <http://reasonableaccommodation.lausd.net>

Educational Equity Compliance (213) 241-7682

Reasonable Accommodation Appeals

Equal Opportunity Section (213) 241-7685

Employment Disability Discrimination Complaints

FMLA/Absence Management (213) 241-3954

ATTACHMENTS:

1. Attachment A, Record of Interactive Process
2. Attachment B, Reasonable Accommodation Application
3. Attachment C, Appeal of Reasonable Accommodation Committee Decision