

# PROCEDURE

<b>Subject</b>	<b>Disabled Employees and Applicants - Accommodation</b>	<b>Number:</b> 1.42.01
<b>Source</b>	Human Resources/ADA Coordinator	<b>Reference (Rule #)</b> 6HX14-1.42
<b>President's Approval/Date:</b>	 8/14/2017	

State College of Florida, Manatee - Sarasota (SCF) recognizes and supports the standards set forth in Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, as amended (ADA), and similar state laws, which are designed to eliminate discrimination against qualified individuals with disabilities.

## **A. ADA Definitions**

1. Individual with a disability: any person who: (1) has a physical or mental impairment that substantially limits one, or more, major life activity, (2) has a record of such an impairment or (3) is regarded as having such an impairment. To be protected by the ADA, the individual must be a qualified individual with a disability.
2. Qualified individual with a disability: with respect to employment, a person with a disability who, with or without reasonable accommodation, can perform the essential functions of the job in question.
3. Essential function: EEOC regulations define essential function as "the fundamental job duties of the employment position the individual with a disability holds." The ADA covers only qualified individuals with disabilities. Determining the "essential functions" of a position is critical in evaluating whether or not a person with a disability is qualified for the position he or she holds. If an individual with a disability can perform the essential job functions, with or without reasonable accommodation, he or she may be considered qualified for the position held.

The ADA requires reasonable accommodation for a disabled person, unless the accommodation would cause an undue hardship. Reasonable accommodations allow an otherwise qualified person with a disability to perform essential job functions. Any qualified individual with a disability, employed at SCF or applying for employment at SCF, who needs a reasonable accommodation must complete the procedure below.

## **B. Procedure for requesting reasonable accommodation by qualified individuals with a disability**

Employees:

The employee may request the accommodation by obtaining a “Request for ADA Accommodation” guide from the ADA Coordinator (ADAC), located in the Human Resources office (HR), completing and signing it, and returning it to HR along with appropriate medical certification.

If an employee makes a verbal request for accommodation to a supervisor, or other college administrator, that individual should refer the employee to the ADAC and notify the ADAC of that referral. When the ADAC receives a signed request form and appropriate medical certification, a meeting will be organized with the employee to obtain information regarding the request. The ADAC will then convene a meeting of the supervisor/department director and other administrative personnel as appropriate to discuss the request and reasonable accommodation. Human Resources will provide this committee with a current job description for the position held by the employee. If the individual meets the definition of a qualified individual with a disability, a reasonable accommodation plan will be developed. Once it is agreed upon by the requesting employee, the supervisor, and ADAC, the plan will be signed and implemented. All accommodation plans will be reviewed after one year unless a shorter period of review is agreed to in the plan.

If the employee believes that the accommodation plan is not reasonable or does not reasonably accommodate their disability, they may file a grievance with the College through the formal grievance procedure noted below in C. Grievance Procedure for Persons with Disabilities.

Applicants:

Applicants applying for a position at SCF who are in need of an accommodation during the application process should contact the ADAC to request assistance. Applicants who have been identified for an onsite interview with a search committee or hiring manager will be required to complete the SCF verifying statement. The verifying statement will accompany the respective job description and asks the applicant if they can perform the essential functions of the job, either with or without an accommodation. Accommodation requests should be directed to the ADAC.

If the applicant believes that the accommodation is not reasonable or does not reasonably accommodate their disability, they may file a grievance with the College as noted below in C. Grievance Procedure for Persons with Disabilities.

### **C. Grievance Procedures for Persons with Disabilities**

These grievance procedures are established to meet the legal requirements of the ADA. They may be used by employees or applicants for employment who believe they have experienced discrimination on the basis of disability in employment practices or policies by SCF.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of the complainant and location, date, description of the problem and may be supplemented by supporting documents and/or affidavits from persons having firsthand knowledge of the facts. Alternative means of filing complaints, such as personal interviews or using an interpreter, are made available to persons with disabilities upon request. The complaints alleging violation of the ADA or Section 504 should be submitted to the appropriate supervisor or administrator (applicants should submit to the ADAC) as soon as

possible, but no later than sixty (60) working days after the alleged violation or claim of failure to provide reasonable accommodation. If the complainant is not comfortable with submitting the complaint through the supervisor/administrator, they may submit the written complaint directly to the ADAC. For applicants, if the complainant is not comfortable submitting complaint to ADAC, they may submit the written complaint directly to the Assistant Director, Human Resources.

Within five (5) working days of receipt, the supervisor/administrator will meet with the complainant and attempt resolution of a complaint through mutual agreement of the affected parties. Should such resolution be achieved, the investigation shall be ended. If a resolution is not achieved, the complainant may file a formal written complaint with the ADAC.

Within ten (10) working days of receiving the complaint, the ADAC shall meet with the complainant to discuss the grievance and identify possible resolutions. If an investigation is warranted, it will be conducted in a timely manner and the ADAC will respond in writing, or in a format accessible to the complainant, within fifteen (15) working days after the completion of the investigation. The response explains the position of the College for resolution of the complaint.

#### **D. Appeals**

If the response by the ADAC does not satisfactorily resolve the issue, the complainant may appeal the decision to the Director, Human Resources or designee. Within ten (10) working days after receipt of the appeal, the Director, Human Resources or designee meets with the appellant to discuss the grievance and possible resolutions. Within five (5) working days after the meeting, the appellant is sent in writing or another format accessible to them, a final resolution of the complaint.