

PATIENT RESTRICTED

Coalinga State Hospital

OPERATING MANUAL

SECTION - HUMAN RESOURCES
ADMINISTRATIVE DIRECTIVE NO. 984
(Replaces AD 984 dated 11/10/2005)

Effective Date: October 5, 2006

SUBJECT: REASONABLE ACCOMMODATION

I. PURPOSE

Reasonable accommodation is defined as an adjustment made to a job and/or the work environment, which enables a qualified person with a disability to perform the essential duties of his or her position. This includes any adjustments, which allow a person with a disability to take part in any and all aspects of the employment process. There is no requirement to alter essential job functions, change the basic nature of any job, or create new positions.

II. AUTHORITY

Department of Mental Health, Special Order 427.01; Americans with Disabilities Act of 1990, as amended; Government Code, Sections 12940, 19230-19237; and by order of the Deputy Director, Long Term Care Services.

III. POLICY

Coalinga State Hospital (CSH) shall make reasonable accommodation to the known physical and/or mental limitations or long-term medical condition of an otherwise qualified applicant or employee with a disability, unless doing so would impose an undue hardship on the operations of the Hospital.

All applicants or employees who meet the definition of a qualified person with a disability shall be given consideration for reasonable accommodation upon request.

In an effort to make certain that requests are properly evaluated, all employee and applicant requests for reasonable accommodation must go through the formal requests for accommodation process. Therefore, "informal" accommodations are prohibited.

IV. METHOD

Requests for reasonable accommodation in the examination and hiring process shall be indicated on the State of California Examination Application (STD 678), Section 2-B. The Exam Analyst will coordinate processing of these requests. Employees needing reasonable accommodation on the job shall make the request through the Reasonable Accommodation Coordinator (see Section VI and VIII).

PATIENT RESTRICTED

V. SCOPE

A. Reasonable accommodation includes, but is not limited to the following:

1. Equipment or Assistive Devices:

The provision of equipment may include: special telephone equipment, "talking" calculators, one-handed typewriters, closed circuit television, specially designed desks, TDD telephone communication equipment, computer word processor; and other types of equipment to facilitate the performance of job duties. The provision of assistive devices encompasses "off the shelf" devices as well as those custom-designed for an individual's particular needs, such as, communication devices and related special equipment. If employees transfer to another State department, the transfer of any department purchased equipment will be evaluated on a case-by-case basis.

2. Job Site Modification:

The planning and provision of accessibility to existing facilities may be required in order for disabled individuals to engage in work activities. Modifications may include adjustments to equipment, desk heights, addition of electrical outlets, rearrangement of furniture and equipment, widening doorways, or the relocation of the job site to an accessible area, additional workspace, and other types of similar modifications.

3. Support Services:

A Support Services Assistant may be provided. The Support Services Assistant is a permanent intermittent civil-service classification and includes interpreters for hearing-impaired persons, readers for persons with visual impairments, and driving assistance/attendant services for persons who are mobility impaired. Persons providing support shall not perform job tasks but rather facilitate the employee's job performance. If appropriate, the classification of Support Services Assistant is available for this purpose. Consideration may be given to using one assistant for two or more employees.

4. Reassignment:

Qualified individuals with a disability who cannot perform the essential functions of their job with accommodation also have the option of transferring to another position of equal or less pay if a vacant position is available and they possess the required education and experience to perform the job. This type of accommodation does not apply to applicants for employment.

PATIENT RESTRICTED

B. Types of Accommodations:

There are five basic types of accommodation requests to which the Hospital must respond.

1. Requests for accommodation in the civil service examination process in order to allow a candidate with a disability to compete with non-disabled candidates as equally as possible.
2. Requests for accommodation to allow a person with a disability to perform the essential functions of the job for which he or she was hired.
3. Requests for accommodation to allow an employee with a disability to continue to perform the essential functions of his or her position, or to be reassigned to another vacant position.
4. Requests for accommodation to allow an employee with a disability to participate in training activities available to non-disabled employees for job improvement and self development.
5. Requests for accommodation to allow an employee to have equal access to services and privileges afforded to non-disabled employees.

VI. RESPONSIBILITIES

- A. Reasonable Accommodation Coordinator: The Equal Employment Opportunity (EEO) Officer is designated as the Reasonable Accommodation Coordinator and is responsible for managing the reasonable accommodation process. The Reasonable Accommodation Coordinator will receive and evaluate all reasonable accommodation requests, take action in an appropriate and timely manner, keep records, and involve the Executive Director, manager, and others as appropriate.
- B. Managers/Supervisors: Will provide assistance during the reasonable accommodation process, participate in consideration of the request, and assure that reasonable accommodation does not occur outside of this policy.
- C. Employees: Requests for reasonable accommodation may be initiated by current employees and former employees applying for reinstatement by following the procedures articulated in Section VIII.

VII. DEFINITIONS

- A. A qualified person with a disability is anyone with a disability who possesses the requisite skills, experience, and education, and who meets other job-related requirements of the employment position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of the position.

PATIENT RESTRICTED

B. A person with a disability is anyone who:

1. Has a physical or mental impairment that limits one or more of his or her major life activities. "Major life activities" are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
2. Has a record of such impairment or condition, has a history of, or has been classified, misclassified, or misdiagnosed as having a mental or physical impairment that limits one or more major life activities.
3. Is regarded as having such an impairment or condition. For example, (a) a physical or mental impairment that may not limit major life activities but that is treated by an employer as constituting such a limitation; (b) a physical or mental impairment that limits major life activities only as a result of the attitude of others towards such impairment; or (c) no impairment but is treated by an employer as having such an impairment.
4. This definition also includes discrimination against individuals because of association with persons with disabilities. Examples of this type of discrimination might include refusal to employ the parent of a disabled child because of concern for the possible use of extended family sick leave or rejection of someone whose perceived life style may promote exposure to HIV.

C. Direct Threat:

A qualified person with a disability must not pose a direct threat to the health or safety of himself or herself or the health or safety of others when performing the essential functions of the job. "Direct threat" is a significant risk of substantial and imminent harm that cannot be eliminated or reduced to an acceptable level by reasonable accommodation. The assessment of whether a person poses a direct threat must be made on a case-by-case basis considering the following factors:

1. Duration of the risk.
2. Nature and severity of the potential harm.
3. Likelihood that the potential harm will occur.
4. Imminence of the potential harm.

PATIENT RESTRICTED

D. Undue Hardship:

Undue hardship to the Hospital is the basis for denying a request for reasonable accommodation for a qualified person with a disability. The factors to be considered in determining whether an accommodation would impose an undue hardship are:

1. The overall size of the program or agency, i.e., the number of employees, number and type of facilities, and size of budget.
2. The type of agency operation, including the composition and structure of the agency's workforce.
3. The nature and cost of the accommodation.
4. The safety of all personnel, applicants, individuals and clients.

VIII. PROCEDURE

- A. Current employees and former employees applying for reinstatement may request reasonable accommodation. All such requests must be clearly stated and submitted by the individual in writing, or on the department form MH 3357, "Request for Reasonable Accommodation". The Hospital will engage in an interactive process with the employee when evaluating a request for reasonable accommodation.
- B. Reasonable accommodation is provided only when the accommodation is job related. The Hospital is not required to accommodate the personal requirements of a person with a disability, which are not related to performing the job. For example, transportation to and from work is not the responsibility of the employer; therefore, it is not considered reasonable accommodation.
- C. The employee shall submit the request to the Reasonable Accommodation Coordinator. Upon receipt of all the necessary information, the Reasonable Accommodation Reviewing Body shall complete the review and make its recommendation to the Executive Director within twenty (20) working days. The Reasonable Accommodation Reviewing Body will evaluate the request to determine eligibility and if the requested accommodation can be granted without causing an undue hardship on the Hospital's operations. The appropriate supervisor and the requestor will be consulted, along with other appropriate staff, to determine whether or not the request can be granted.
- D. Some of the factors reviewed when evaluating a request for reasonable accommodation include:

PATIENT RESTRICTED

1. Whether the requestor is a qualified individual with a disability that limits a major life activity.
 2. The affect the disability is having on his or her ability to perform the essential functions of the job. Medical documentation will be reviewed to verify the disability and need for accommodation.
- E. If a qualified individual with a disability is unable to perform the essential functions of the present job with accommodation, the Hospital will review other vacant positions the employee is qualified and able to perform within the employee's medical restrictions. This step only applies to current employees and does not include applicants for employment. This may include positions at other geographic locations within the Department of Mental Health, if the employee has expressed a willingness to relocate.

IX. APPEAL PROCESS

- A. Timeliness for considering and providing accommodations to applicants or employees with disabilities can be critical to job performance. Therefore, the following appeal process provides for the timely processing of requests regarding the provisions of reasonable accommodation:
1. Hospital employees may appeal a denial of their requests by writing to the Director of the Department of Mental Health within ten (10) working days of the Notice of Denial from the Executive Director. The Director has delegated the review of appeals and final department decision to the Chief of the Office of Human Rights.
 2. If a Hospital employee's request for reasonable accommodation is denied by the Chief of the Office of Human Rights or twenty (20) working days elapse without an employer's response, the employee may appeal directly to the State Personnel Board's (SPB) Merit Appeals Unit. Such appeals must be made within thirty (30) days of the notice of denial.
- B. Employees may have the option of filing a discrimination grievance as identified in their respective bargaining unit contracts. Employees should refer to these contracts to determine if this additional option is available.
- C. If at any point an employee believes he or she has been discriminated against, he or she has the right to file a complaint through the discrimination complaint process with the EEO office, the office of Human Rights, the State Personnel Board, the Department of Fair Employment and Housing, and/or the U.S. Equal Employment Opportunity Commission.

PATIENT RESTRICTED

X. CONFIDENTIALITY OF MEDICAL RECORDS

It is important to note that all medical information is confidential. All medical records obtained through the reasonable accommodation process will remain with the EEO Office as the designated, official record keeper.



W. T. VOSS
Executive Director

Cross Reference(s):

A.D. No. 909 Discrimination Policy

DMH Special Order 427.01 Reasonable Accommodation