



Employee & Labor Relations

Supervisor's Guide to Reasonable Accommodation and the Interactive Process

STATEMENT OF POLICY: ADA and Reasonable Accommodation

California State Polytechnic University, Pomona (Cal Poly Pomona) is committed to maintaining an inclusive learning and working environment in which all individuals are treated with dignity and respect. To that end, Cal Poly Pomona strives to make its programs, services, and activities accessible to students, faculty, staff, and members of the general public who have disabilities. This policy is in accordance with applicable state and federal laws including, but not limited to the Americans with Disabilities Act (ADA), Sections 504 and 508 of the Rehabilitation Act of 1973, the California Fair Employment and Housing Act (FEHA), Government Code § 12940 et seq., and Education Code §§ 67302 and 67310-13.

Under the ADA and FEHA, qualified individuals with disabilities must have equal access to all aspects of employment that are available to employees who do not have disabilities. Those Acts also require employers to provide individuals who have disabilities, reasonable accommodations that will allow them to perform the essential functions of their jobs. Cal Poly Pomona is fully committed to ensuring equal employment opportunity for qualified applicants and/or employees with disabilities and engages in a timely, good faith, interactive process to determine effective reasonable accommodations.

Cal Poly Pomona's ADA Coordinator of Employee & Labor Relations is responsible for the initial review and processing of employee requests for disability-related accommodations.

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Requesting Reasonable Accommodation

The University has established procedures for use by both applicants for employment and current employees who wish to request a disability-related accommodation.

Applicants for Employment

Applicants who require an accommodation during the application process should contact the ADA Coordinator at (909) 869-4095. The ADA Coordinator will work with the Office of Human Resources for requests relative to staff positions and with the Office of Faculty Affairs for requests relative to faculty positions.

Current Employees

To request a disability-related accommodation, the employee should:

1. Communicate his/her need for an accommodation to his/her supervisor.

2. Submit the following **two forms** to the ADA Coordinator:

A. [Employee Request for Disability Related Accommodations](#) form to ensure that all necessary information such as the following is provided:

- Type of accommodation requested;
- An explanation of the limitation for which the accommodation is needed;
- A description of how the accommodation will allow the employee to perform the essential functions of his/her job.

Note: The employee is **not** required to disclose his/her disability (diagnosis), only his/her limitations/restrictions.

B. [Medical Provider Inquiry Form](#) (MPIF) The employee's physician/medical provider must complete this form. It provides the following information at a minimum:

- A description of the employee's functional limitation as it relates to her/his job duties, including its anticipated duration (e.g., whether it is a temporary or a permanent impairment). If temporary, the anticipated date that the employee's functional limitation will end must be provided;
- A description of the employee's functional limitation caused by her/his disability in work-related terms. For example, if "no prolonged walking" is requested, the medical statement should specify how long or how far the employee is able to walk; if rest periods are required, the medical statement should specify how often and how long the rest periods should be, etc.; and,
- The permanent or long-term impact, or the expected impact, resulting from the employee's impairment;

The employee's physician must submit medical documentation with the form to provide evidence of the employee's functional limitation in support of the request for a disability-related accommodation.

If alternative or additional medical documentation is provided, the documentation must be dated and written on official letterhead. The treating health care professional must be identified (e.g., M.D., D.O., D.C.) and the documentation must be signed by the treating health care professional.

Note: This form, (the MPIF), and any other medical documentation should be provided **directly to the ADA Coordinator** where it will be kept in a confidential file.

3. Actively engage in good faith in an ongoing **Interactive Process**¹ with the employee's supervisor and/or manager and the ADA Coordinator to discuss and determine the essential functions of the employee's position, her/his precise job-related limitations, the potential reasonable accommodation that may enable the employee to perform the essential duties of her/his job, and to assess the effectiveness of the accommodation provided.

¹ More details on the Interactive Process are available at the Job Accommodation Network website at: <http://askjan.org/topics/interactive.htm>

Role of the ADA Coordinator in the Ongoing Process of Reasonable Accommodation

In assisting employees with the process of requesting a disability-related accommodation, the ADA Coordinator:

1. Receives the employee's Request for Disability Related Accommodation Form and Medical Provider Inquiry Form (and/or other accompanying medical documentation from the employee's physician);
2. Reviews both forms to determine if the employee has a qualifying medical condition as defined by the ADA which the University is obligated to attempt to accommodate;
3. If it is determined that the employee has a qualifying condition, the ADA Coordinator sends a memorandum to the employee's supervisor instructing him/her to contact ADA Coordinator and to begin the Interactive Process with the employee, if it has not already been initiated;
4. Along with the Human Resources Associate Director for Benefits Administration and Workers' Compensation, provides, upon request, guidance to managers, supervisors, and persons requesting reasonable accommodations on engaging in the Interactive Process.
5. Maintains records related to an employee's disability accommodation in a confidential file to be kept separately from the employee's personnel file.
6. Reviews complaints of discrimination, harassment, and retaliation on the basis of disability pursuant to California State University (CSU) [Executive Order 1096](#) (Systemwide Policy Prohibiting Discrimination, Harassment, and Retaliation Against Employees and Third Parties).

SUPERVISOR INFORMATION:

The purpose of the **Interactive Process** is to determine whether for employees who, due to a disability, have limitations that prevent them from performing the essential functions of their job, a reasonable accommodation exists which will allow them to be able to perform those essential job functions. The following are the specific questions which the Interactive Process is designed to answer:

1. Does the employee have a disability which the Americans with Disabilities Act requires the University to attempt to accommodate? If so.....
2. What are the essential, (as opposed to the non-essential) functions of the employee's job?
3. Does the employee have limitations that result from her/his disability? If so, what are those limitations?
4. Do those limitations interfere with the employee's ability to perform the essential functions of her/his job?
5. Is there a reasonable accommodation which the University can provide which would allow the employee to perform those essential job functions?
6. If so, what is that accommodation?

Guidelines

1. If the employee requests an accommodation, the employee need not use the words, "reasonable accommodation" in the request. If an employee says that s/he has a limitation or restriction, treat it as a request for an accommodation. The request need not be in writing. Also, it may come from a family member.
2. If the employee does not request an accommodation but you have knowledge that would put a reasonable person on notice that the employee needs an accommodation, you must begin the Interactive Process.
3. Do not ask for the employee's medical diagnosis or medical condition. Ask about the employee's job-related limitations caused by the medical condition.
4. You cannot compel an employee to identify an accommodation and cannot impose an accommodation upon an employee even if you believe that the employee needs it.
5. While the employee's input is taken into consideration, the employee and medical provider are not to choose the accommodation.
6. The employer is also not obligated to provide the employee's preferred accommodation. The employer may discuss the accommodation with the employee and provide an alternative accommodation that is reasonable, and which allows the employee to perform the essential functions of his/her job.
7. Few jobs, work environments and/or disabling conditions are entirely static, therefore no grant or denial of an accommodation is eternal. Thus, neither the reasonable accommodation nor the interactive process obligations of the employer are satisfied by a one-time participation in the process. The Interactive Process is for that reason, both **open and ongoing**, and an employer does not meet its obligation to engage in the Interactive Process by simply considering and rejecting the employee's suggestions for a reasonable accommodation.
8. Both supervisor and employee must continue to be open to monitoring, reviewing, modifying or even terminating an accommodation based upon the experience of how it has worked in the past or is working in the present in light of changed circumstances either in the workplace or with the employee. Each request should be considered on its own merit.
9. The Interactive Process must be accomplished in good faith and in a timely manner. Undue delays and obstructions by either the supervisor or the employee are documented by Cal Poly Pomona's ADA Coordinator for both the manager/supervisor and the employee.
10. Direct contact with the employee's medical provider is not permitted.
11. General advice:

- a.** Act quickly;
- b.** Be thorough;
- c.** Communicate with the employee at every step; and,
- d.** Document all the steps in the process and all proceedings.

Supervisor's Checklist for the Interactive Process

(All Steps of the Interactive Process Must Be Documented)

<u>STEP</u>	<u>DATE COMPLETED</u>
1. The employee requests an accommodation from his/her supervisor, or the supervisor observes a need for one.	
2. Give the employee the following two forms with instructions to return the completed forms below to the ADA Coordinator.	_____
a. The Disability Related Accommodations Request Form . The form should be filled out by the employee and signed by the supervisor acknowledging receipt of the employee's request for a reasonable accommodation.	_____ Date Form Received
b. The Medical Provider Inquiry Form (MPIF) . This form should be completed by the employee's medical provider and returned directly to the ADA Coordinator.	_____ Date Form Received
Direct contact with the medical provider is not permitted.	
3. Upon receipt and following review of the Request Form, MPIF and/or any other medical documentation, if the ADA Coordinator determines that the employee has a disability that the University is required to attempt to accommodate, the ADA Coordinator will issue a memorandum (memo) to the supervisor/manager, indicating that the employee's condition meets the regulatory requirements for limitations for a disabling condition. The supervisor/manager is then instructed to contact the ADA Coordinator within 48 hours of receipt of the memorandum and to initiate the Interactive Process. The ADA Coordinator opens a confidential file in which the employee's two required forms are housed and stored.	_____ Date Memo Received
	_____ Date contacted ADA Coordinator

4. Upon receipt of the memo, analyze the employee’s job functions and make two lists: A list of the employee’s essential tasks; and a list of his/her non-essential tasks.

Evaluation Date

5. **Meet with the employee to:**

- a. Identify the employee’s precise job limitations and/or restrictions;
- b. Identify possible accommodations and alternatives; and
- c. Assess how each accommodation will enable the employee to perform the essential job functions which s/he is limited in performing.

Date of IP Meeting

Bring the following with you to the meeting:

- Your lists of the employee’s essential and non-essential tasks;
- A copy of the employee’s job description;
- The Interactive Process Meeting Guide (below);
- The Interactive Process Meeting Summary (below).

6. Schedule a follow-up meeting to follow up on the effectiveness of the agreed-upon reasonable accommodation.

Date of Follow-Up

7. Implement the accommodation(s).

Date Implemented

8. Provide a copy of the employee’s job description, list of essential and non-essential Job functions, limitations and the agreed-upon accommodation(s) to the ADA Coordinator.

Date Received

9. Meet with the employee to follow up on the effectiveness of the agreed-upon, reasonable accommodation and discuss any changes regarding the employee’s, job-related limitations and/or any needed modifications to the accommodation.

Date of Follow-Up

Interactive Process Meeting Guide

Date _____

Employee _____

1. The following parties were in attendance at the meeting:

- A. _____ (Employee)
- B. _____ (Supervisor)
- C. _____ (Human Resources)
- D. _____ Title: _____
- E. _____ Title: _____

2. A Guide for Giving the Supervisor’s Message: (Need not be delivered verbatim.)

- a. The purpose of the meeting today is to try to determine if a reasonable accommodation exists which will allow you to perform the essential function(s) of your job which you have a limitation or restriction performing.
- b. Under the California Fair Employment and Housing Act, CPP is required to do the following three things:
 - Respond in a timely manner to your request for a reasonable accommodation;
 - Engage in a timely, good faith interactive process with you in order to determine whether a reasonable accommodation exists which will allow you to perform the essential functions of your job; and,
 - Provide the reasonable accommodation if one is found.
- c. We’re going to discuss the following four things during our meeting today:
 - Your limitation(s)/restriction(s);
 - Your job function or functions that you are limited in or restricted from performing;
 - A possible accommodation to help you perform that function(s); and
 - How that accommodation will help you perform that function(s).
- d. We’re going to fill out a Meeting Summary Sheet to capture the results of our discussion. I’ll record on that page, among other things, possible accommodations. I’ll provide you with a copy of the completed form at the end of the meeting. Before we get started, however, I need to inform you of the following:

The **Genetic Information Nondiscrimination** Act prohibits employers from requesting or requiring genetic information about you or any of your family members, except as specifically allowed by the law. To comply with the GINA law, we are asking that you not provide any genetic information when responding to this request for medical information.

Genetic information” includes your family medical history, the results of your or your family members’ genetic tests, the fact that you or any member of your family sought or received genetic services, and also genetic information about a fetus that you or a member of your family is carrying, or about an embryo lawfully held by you or a member of your family who is receiving assistive reproductive services.” Do you have any questions?

e. Ok, now let's get started. I'll be filling out a Meeting Summary sheet as we go through the questions.²

- Is your need for the accommodation long term or permanent?
- If it isn't permanent, how long will it likely last?
- What limitation is interfering with your ability to perform your job?
- What job functions are you having trouble performing because of your limitation?
- How does your limitation interfere with your ability to perform those job functions?
- What are your suggestions regarding a reasonable accommodation?
- How would that accommodation improve your ability to perform the job functions in question?

Note: If necessary, you may inform the employee of the following at the end of this meeting:

"I'll do some research to determine if the possible accommodation that we identify today, is reasonable. You may want to do your own research, also. Let's meet again on _____ to discuss the results of the research."

² While this Meeting Summary need not be followed verbatim, the supervisor should ask all of the questions in Section E.