

Lee College is committed to providing reasonable workplace accommodations to qualified employees with disabilities in accordance with the Americans with Disabilities Act (ADA). These guidelines outline the process for making and assessing employee requests for accommodation of disabilities. The process is a collaborative and interactive one that fosters information sharing, constructive communication and thoughtful decision-making.

Human Resources (HR) administers the college's disability accommodation process for employees and each request for accommodation is assessed on an individual basis.

Having a medical condition alone is not enough to make someone eligible for an accommodation under the ADA. According to the ADA, an individual with a disability is someone with a physical or mental impairment that substantially limits one or more major life activities, such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.

## **REQUESTING AN ACCOMMODATION** -----

The first step in the reasonable accommodation process is for the employee to let the supervisor and/or Human Resources know he/she needs an accommodation due to a physical or mental condition that is impacting his/her ability to perform the job. It is not required, but would be helpful if the employee worded this disclosure such as "... because of my disability(s), I am having trouble with X job duty or benefit or privilege of employment." (An employee disclosing that he/she has a disability (physical or mental condition) without also saying that it is impacting their work is usually not sufficient to begin the accommodation process.)

Employees requesting an accommodation must complete the **Employee ADA Accommodation Request Form** and **Request for Reasonable Accommodation — Medical Inquiry Form** (which is completed by the employee's health care provider). Employees return both forms to the HR Office by email ([hr@lee.edu](mailto:hr@lee.edu)), fax (281.425.6568) or regular mail (Lee College HR Office, P.O. Box 818, Baytown, TX 77522-0818). Upon receipt of the two forms, HR will send an email to the employee and appropriate supervisor(s) noting that the documentation for the request was received.

The information provided in the forms will help those involved understand how the employee's medical condition impacts his/her ability to perform the functions of the job and what accommodations the employee believes would be effective at overcoming those limitations. Please note that while the College takes an employee's specific request for accommodation into account, it may provide a different, effective accommodation.

After receiving the documentation from the employee's health care provider, HR will review the medical information to determine its adequacy. If the information provided is incomplete, unclear or inconsistent, HR may request that the employee obtain additional or clarifying information from their healthcare provider.

## **PROCESSING A REQUEST / HR REVIEWING & GATHERING INFORMATION** -----

Once an accommodation request is received, HR will review the information to assess if the employee has a qualifying disability under the ADA and initiate an interactive dialogue with the employee to understand what barrier(s) the employee is experiencing and why. HR will let the employee know if additional information is needed.

An employee's failure to provide appropriate documentation, cooperate in HR's efforts to obtain such documentation or follow through with requests for other information or meetings, can result in a delay in deliberating and implementing the request for accommodation.

In addition, a current job description is also necessary to process the request so participants can understand the essential functions of the employee's job. Essential functions are job duties that are fundamental to the position, they are the reason the job exists. HR will work with the employee and supervisor(s) to ensure an accurate description of duties is submitted and considered.

## **EXPLORING / DETERMINING REASONABLE ACCOMMODATIONS** -----

Once HR has received the necessary medical documentation and job description, they will schedule meeting(s) to initiate the interactive accommodation process. HR, the employee seeking an accommodation, the employee's supervisor(s) and/or other appropriate personnel involved in the discussion of reasonable accommodations participate in this informal process.

During the meetings, participants consider information such as the essential functions of the job, the employee's functional limitations and relevant medical information, possible accommodations and the reasonableness and implementation of possible accommodations. This information is used to determine what, if any, accommodation will be made.

The ADA defines a reasonable accommodation as modifications or an adjustment to a job or the work environment that enables a qualified individual with a disability to perform the essential functions of that position. Accommodations are considered "reasonable" if they do not create an undue hardship on the employer. Whether or not an accommodation is reasonable will vary according to the position the employee holds, the way their disability affects their ability to do their job and the environment in which they work. Each request for an accommodation must be considered on a case-by-case basis.

One way to determine a reasonable/appropriate accommodation is considering effectiveness — whether the accommodation will provide an opportunity for a person with a disability to achieve the same level of performance and to enjoy benefits equal to those of an average similar-situated person without a disability.

Actions that are **not** required or reasonable may include, but are not limited to:

- Lowering production or performance standards;
- Adjusting a job and/or work environment to alter or remove essential job functions;
- Creating an undue hardship (e.g., significant difficulty or expense);
- Creating a position that would otherwise not exist;
- Restructuring work hours so they fall outside the obligations of an employee's unit and/or position. Some positions require employees to be on campus during certain hours and may not have the flexibility to accommodate requests for changes; and/or
- Excusing violations of conduct rules that are job-related and consistent with business necessity.

## **DETERMINATION OF A REASONABLE ACCOMMODATION** -----

The employee and College representatives are important participants in the process of finding an effective accommodation. In the end, it is the employer who decides what accommodation is put into place.

HR will coordinate a meeting with both the employee and the supervisor(s) to discuss accommodations agreed upon and determine if the accommodations are reasonable. Then HR will email a letter to the employee and supervisor(s) summarizing the College's decision to approve or deny a request for a reasonable accommodation. The letter will:

- Include the decision to approve or deny the request for a reasonable accommodation;
- Outline the accommodation(s) being provided (if applicable);
- List expectations related to the implementation of the accommodation(s) (if applicable);
- Provide a timeframe for when the accommodations will be reviewed to determine their effectiveness (if applicable); and

- List the names of those who were party to the accommodation process and are involved in the implementation of the approved accommodations, including supervisors (if applicable).

There may be instances in which there is no reasonable accommodation that enables the employee to perform the essential functions of his/her job. Although there is a requirement to facilitate the interactive process and to explore whether or not there is a reasonable accommodation, there is no requirement to provide the exact accommodation requested by the individual or to remove an essential function of the position.

Reasonable accommodations will be periodically reviewed by the supervisor(s) and HR. They may be considered for reevaluation either based on additional information regarding an employee's disability or if the accommodation no longer meets the needs of the department/College. Not all accommodations produce the desired outcome. If the accommodation is not working, the process should start again. Sometimes, it takes trying an accommodation to see if it is effective for the employee and the employer.

### **TIMEFRAMES FOR PROCESSING REQUESTS / OTHER DELAYS -----**

The intent is that all accommodation requests (including implementing an approved reasonable accommodation) will be processed as quickly as feasible. In general, the interactive process for accommodations will begin when HR receives the **Employee ADA Accommodation Request Form**. HR will strive to complete its consultations with employees, medical professionals and/or supervisors as quickly as possible.

The process may be delayed if HR does not receive the information needed to process the request (e.g., medical documentation, the **Request for Reasonable Accommodation — Medical Inquiry Form** from the health care provider, updated job description from the employee and supervisor(s), etc.).

### **FUNDING A REASONABLE ACCOMMODATION REQUEST -----**

If the approved accommodation requires purchasing equipment or modifying the employee workspace, the cost of implementing the accommodation is typically the responsibility of the employee's department. If the implementation cost is outside the constraints of the department's budget, the department supervisor should follow College protocol and discuss the additional cost with his/her supervisor(s) in the chain of command (up to the appropriate Cabinet member). The Vice President of Finance & Administration is the final authority to approve or deny requests for additional funding for a reasonable accommodation.

### **CONFIDENTIALITY & DISCLOSURE -----**

The ADA requires that Human Resources keep medical information confidential. However, the law allows HR to share this information in limited circumstances with individuals who are considered to have a legitimate need to know this information. This may include individuals involved in the accommodation process such as the employee's supervisor(s) and other College officials involved in the accommodation request process.

In addition to disclosures needed to process a request for an accommodation, the ADA also permits the disclosure of medical and/or disability information to the following:

- First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment or assistance during an evacuation; and
- Government officials may be given information necessary to investigate the agency's compliance with the Rehabilitation Act or the Americans with Disabilities Act.

The law does not prohibit an employee from voluntarily discussing his/her condition or medical information with others.

### **FOR MORE INFORMATION -----**

Contact the HR Office by email ([hr@lee.edu](mailto:hr@lee.edu)) or phone (281.425.6875) if you have any questions or need assistance.