

# DISABILITY/REASONABLE ACCOMMODATIONS PROCEDURES

## For Delta Employees and Job Applicants

**Section:** General Subject: DISABILITY/REASONABLE ACCOMMODATIONS

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**Contact:** Scott Lewless, Director of Human Resources

Phone: 989-686-9042 | Office: Delta College, J101

Delta College is committed to hiring qualified persons with disabilities and fulfilling its responsibilities under Section 504 of the Rehabilitation Act, the Americans with Disabilities Act (ADA), and the Michigan Persons with Disabilities Civil Rights Act (MPDCRA).

The definition of a disability under the ADA is:

A physical or mental impairment that substantially limits one or more major life activities, a record of such impairment or being regarded as having such an impairment.

The definition of a disability under the MPDCRA is:

(i) A determinable physical or mental characteristic of an individual, which may result from disease, injury, congenital condition of birth, or functional disorder, if the characteristic substantially limits one or more major life activities of that individual and is unrelated to the individual's ability to perform the duties of a particular job or position or substantially limits one or more of the major life activities of that individual and is unrelated to the individual's qualifications for employment or promotion.

(ii) A history of a determinable physical or mental characteristic described in Subparagraph (i).

(iii) Being regarded as having a determinable physical or mental characteristic described in subparagraph (i).

Mission statement: Maximize ability and opportunity for full participation by persons with disabilities.

Philosophy: Disabilities need not preclude the achievement of goals and dreams. Rather, they mandate a greater level of creativity, commitment, and a repertoire of compensatory techniques. The Human Resources Director is ready to assist employees with resources that create an environment of opportunity. We value full integration of persons with disabilities throughout the college's programs and services. We believe that persons with disabilities at Delta College are as much in control of their educational/work experience as a person without a disability.

## **PROCEDURE**

### **I. INTRODUCTION**

A Delta employee or job applicant must follow these three steps to request an accommodation:<sup>[1]</sup>

1. The employee/applicant must self-identify as a person with a disability;
2. The employee/applicant must provide documentation of the disability from a licensed medical, diagnostic or psychological professional; and
3. The employee/applicant must make a written request for an accommodation and provide additional supporting documentation, if requested.

This process involves the Director of Human Resources, the employee/applicant, and the employee/applicant's supervisor/unit administrator and may involve others in the interactive process on a need-to-know basis. This process and each participant's role in it are described more fully below. <sup>[2]</sup>

### **II. EMPLOYEE/APPLICANT RESPONSIBILITIES**

1. **Identification as a Person with a Disability**

Employees and applicants may self-identify as a person with a disability through employment interviews or at other times by contacting the Director of Human Resources, Scott Lewless.<sup>[3]</sup>

## **2. Requests for Accommodation**

A person with a disability may or may not need accommodation. If an employee/applicant believes that an accommodation is needed, the request for an accommodation may be made:

A. prior to or during an interview if a reasonable accommodation is necessary for the applicant to participate in the interview and selection process (such a request must be conveyed in writing as described in Section B below if the applicant is hired); or

B. by completing the *Accommodation Request* form. These forms are on-line at the HR web site: [Employee Request For Accommodation Form](#).

At any time during the accommodation request process, the College may ask the employee/applicant for additional documentation of the disability and of the need for an accommodation.<sup>[4]</sup> The employee/applicant must provide this additional documentation to facilitate the accommodation process.

The MPDCRA states that a person with a disability may not allege a violation of the MPDCRA unless the person with a disability notifies the College in writing of a need for an accommodation within 182 days after the date on which the person with a disability knew or reasonably should have known of the need for an accommodation.

## **III. SUPERVISOR/UNIT ADMINISTRATOR RESPONSIBILITIES**

If an employee/applicant requests an accommodation, the supervisor/unit administrator should refer the employee/applicant to the [HR website](#) or to the Director of Human Resources, Scott Lewless.

## **IV. HUMAN RESOURCES OFFICE RESPONSIBILITIES**

1. The employee/applicant should contact the Director of Human Resources to begin the accommodation process. The Human Resources Director will assist the supervisor/unit administrator in determining whether an accommodation is warranted, explore possible accommodations through the interactive process and assess the effectiveness each would have in enabling the employee/applicant to perform his/her job.
2. Throughout the accommodation process, the Human Resources Director and the supervisor/unit administrator should not request information regarding:
  - A. how the employee/applicant became a person with a disability, or
  - B. disabilities that are not related to the essential functions of the employee/applicant's job.
3. What constitutes a reasonable accommodation will vary depending on the circumstances of each case. In evaluating alternatives for accommodation, the preferences of the individual are considered, but the ultimate decision regarding what type of accommodation, if any, will be provided is made by the College.
4. Documentation, as well as other related materials, will be maintained at the HR office. Such documentation is kept confidential, except as necessary to administer the accommodation process. Accordingly, such documentation may be shared only with those individuals directly involved in the accommodation process on an as needed basis.
5. The Human Resources Director consults with employees/applicants and supervisors/unit administrators throughout the accommodation request process. During that process, the Human Resources Director will generally discuss the following issues:
  - A. the essential job functions of the position<sup>[5]</sup>;
  - B. the employee/applicant's ability to perform essential job functions with or without a reasonable accommodation; and,
  - C. possible types of reasonable accommodations, if any are needed.
6. During the accommodation request process, the Human Resources Director may:

- A. gather additional documentation;
  - B. evaluate whether any accommodation is needed and, if it is, whether an accommodation is reasonable and should be made (this evaluation may include preparing cost estimates, assessing impact on affected departments, and collecting information from appropriate department(s) as needed);
  - C. assess various accommodations;
  - D. identify alternative accommodations or solutions;
  - E. provide information from resources about the capabilities of persons with disabilities and the tools/techniques they use;
  - F. determine a reasonable accommodation, if appropriate;
  - G. provide a written determination to the department/unit and employee/applicant;
  - H. explain the department/unit's responsibility to fund an accepted accommodation or to seek funding through the appropriate Executive Staff member, if needed.
7. The Human Resources Director makes a determination regarding implementation of accommodations. The Human Resources Director will consider each request for reasonable accommodation and determine: (1) whether the accommodation is needed, (2) if needed, whether the accommodation would be effective, and (3) if effective, whether providing the reasonable accommodation would impose an undue hardship.

## **V. APPEALS**

If an employee/applicant or supervisor/unit administrator disagrees with the Human Resources Director's determination, the decision may be appealed to the appropriate Executive Staff member or the Equity Officer.

## **VI. RETALIATION PROHIBITED**

Retaliation against an employee or applicant who requests an accommodation is prohibited. Individuals who feel that they have experienced retaliation may contact the Equity Officer.

*Delta College is an affirmative-action, equal-opportunity institution.*

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[1] Delta College employees and job applicants who are persons with a disability are not required to identify themselves as persons with a disability or to request an accommodation. However, the College cannot accommodate an individual who does not inform the College about his/her disability and his/her need for an accommodation.

[2] Nothing in this document shall be construed to waive the College's right to contest whether an employee or applicant is disabled or is entitled to an accommodation.

[3] The College may conduct surveys of faculty, academic staff, and support staff employees for statistical purposes. These surveys do not constitute a method of self-identification for purpose of this policy.

[4] This applies only to College employees and to applicants who have been offered a position, conditional or otherwise, with the College.

[5] The essential functions are the fundamental job duties of the employment position at issue, or what the employee must do to achieve the desired results of the job, for example: (a) the position exists to perform the function, (b) there is a limited number of other employees available to perform the function, or among whom the function can be distributed, (c) the function is highly specialized, and the person is hired for special expertise or ability to perform it. To be qualified for a position, an individual must be able to perform the essential functions of the job, with or without a reasonable accommodation.