

Purpose

The Board of Trustees is supportive of the Americans with Disabilities Act (ADA). Applicants and employees with disabilities will be given the same consideration for employment/promotion that individuals without disabilities are given. An individual who can perform the essential duties of the position, with or without accommodation will not be denied an opportunity to apply for employment/promotional opportunities due to the fact that the individual is disabled as defined by the ADA. In accordance with the ADA, the District does not discriminate against qualified individuals with disabilities in regard to job application procedures, hiring, advancement, training, compensation, benefits or discharge.

Definitions

Disability, with respect to an individual, is defined as any of the following:

1. A physical or mental impairment that limits one or more of the major life activities;
2. A record of such an impairment; or
3. Being regarded as having such an impairment.

Limits shall be determined without regard to mitigating measures such as medications, assistive devices, prosthetics, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.

Essential functions are the fundamental job duties of the position the individual with a disability holds or desires.

Reasonable accommodation means:

1. For a qualified job applicant with a disability, modifications or adjustments to the job application process that enable him/her to be considered for the position he/she desires.
2. For a qualified employee with a disability, modifications or adjustments to the work environment, or to the manner or circumstances under which the position the employee holds or desires is customarily performed, that enable him/her to perform the essential functions of that position or to enjoy equal benefits and privileges of employment as are enjoyed by the District's other similarly situated employees without disabilities.

Qualified individual with a disability means a job applicant or employee with a disability who:

1. Satisfies the requisite skill, experience, education, and other job-related requirements of the employment position he/she holds or desires;
2. Can perform the essential functions of the position with or without reasonable accommodation; and

3. Would not pose a significant risk of substantial harm, which cannot be eliminated or reduced by reasonable accommodation, to himself/herself or others in the job he/she holds or desires

Reasonable Accommodations

Except when undue hardship would result to the District, the Superintendent or designee shall provide reasonable accommodation:

1. In the job application process, to any qualified job applicant with a disability; and
2. To enable any qualified employee with a disability to perform the essential functions of the position he/she holds or desires to hold or to enjoy equal benefits or other terms, conditions, and privileges of employment as other similarly situated employees without disabilities

When requesting reasonable accommodation for the hiring process, an applicant shall inform the District's Human Resources Department that he/she will need a reasonable accommodation during the process.

When requesting reasonable accommodation, an employee or his/her representative shall inform the employee's supervisor that he/she needs a change at work for a reason related to a medical condition. The supervisor shall inform the District's Human Resources Department of the request as soon as practicable.

When the disability or the need for accommodation is not obvious, the Human Resources Department may ask the individual to supply reasonable documentation about his/her disability including information about the employee's condition, the employee's functional limitations, and the need for reasonable accommodation. The employee may be asked to sign a limited release allowing the Human Resources Department to submit a list of specific questions to his/her health care or vocational professional.

The District shall take steps to ensure the confidentiality of information related to medical conditions or history but may notify the employee's supervisor of any reasonable accommodation granted the employee and may notify first aid and safety personnel when the employee's disability may require emergency treatment.

Granting Reasonable Accommodation

Upon receiving a request, for reasonable accommodation from a qualified individual with a disability, the Human Resources Department shall:

1. Determine the essential functions of the job involved;
2. Engage in an informal, interactive process with the individual to review the request for accommodation, identify the precise limitations resulting from the disability, identify potential accommodations, and assess their effectiveness; and

3. If appropriate, develop a plan for reasonable accommodation which will enable the individual to perform the essential functions of the job or gain equal access to a benefit or privilege of employment without imposing undue hardship on the District

Lactation Accommodation

The Governing Board recognizes the immediate and long-term health advantages of breastfeeding for infants and mothers and desires to provide a supportive environment for any district employee to express milk for her infant child upon her return to work following the birth of the child. The Board prohibits discrimination, harassment, and/or retaliation against any district employee who chooses to express breast milk for her infant child while at work. Employees are encouraged to notify their supervisor or other appropriate personnel in advance of their intent to make use of the accommodations offered for employees who are nursing mothers. As needed, the supervisor shall work with the employee to address arrangements and scheduling in order to ensure that the employee's essential job duties are covered during the break time.

The District shall provide reasonable accommodations to an employee who has a need to express breast milk for her infant child in accordance with Labor Code sections 1030-1033. Lactation accommodations may be denied only in limited circumstances in accordance with law. Before an employee's supervisor makes a determination to deny lactation accommodations, he/she shall consult the Superintendent or designee. In any case in which lactation accommodations are denied, the Superintendent or designee shall document the options that were considered and the reasons for denying the accommodations.

Complaint / Appeal

The District designates the Assistant Superintendent of Human Resources as the coordinator of its efforts to comply with the ADA and to investigate any and all related complaints.

Any qualified individual with a disability who is not satisfied with the decision of the Human Resources Department or with the compliance with the procedures outlined in this policy may make a complaint in accordance with Board Policy 6213, Board Policy 91200, Board Policy 91204, as applicable.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

CIVIL CODE

43.3 Right of mothers to breastfeed in any public or private location

51 Unruh Civil Rights Act

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act

12940 Discriminatory employment practices

12945 Discrimination based on pregnancy, childbirth, or related medical conditions

LABOR CODE

1030-1033 Lactation accommodation

CODE OF REGULATIONS, TITLE 2

7291.2-7291.16 Sex discrimination; pregnancy and related medical conditions
UNITED STATES CODE, TITLE 29
207 Fair Labor Standards Act; lactation accommodation
701-794e Vocational Rehabilitation Act
UNITED STATES CODE, TITLE 42
2000ff-1-2000ff-11 Genetic Information Nondiscrimination Act of 2008
12101-12213 Americans with Disabilities Act
CODE OF FEDERAL REGULATIONS, TITLE 28
35.101-35.190 Americans with Disabilities Act, especially:
35.107 Designation of employee
36.101-36.608 Nondiscrimination on the basis of disability by public facilities
CODE OF FEDERAL REGULATIONS, TITLE 29
1630.2 Definitions

Board of Trustees

May 1995

Revised: December 15, 2020