

Piedmont Virginia Community

Section VIII – Human Resources Policies

VIII – 4.0 Reasonable Accommodations for Employees

Policy #:	VIII – 4.0
Effective:	August 16, 2021
Revised:	New
Responsible Dept:	Human Resources

1. Purpose

Piedmont Virginia Community College (PVCC) is committed to providing equal access to employment opportunities for persons with disabilities. PVCC provides reasonable accommodations to qualified employees with disabilities in accordance with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.

This policy provides the procedures PVCC has implemented to respond to requests for workplace accommodations that allow the College to process requests in a prompt, fair, and efficient manner. The policy also provides guidance to employees with disabilities on how to request accommodations and what to expect.

2. Policy Statement

Piedmont Virginia Community College does not discriminate on the basis of disability or other non-merit factors with respect to employment, personnel actions, and employee benefits, or in connection with job-related programs, activities, or accessibility regarding the use of college facilities.

Specifically, the prohibition against employment discrimination applies to all aspects of the hiring process and employment practices, including:

- a. hiring, demotion, promotion, reallocation, role change, in-band adjustment, layoff, and transfer;
- b. performance management and employee development;
- c. corrective actions, including disciplinary actions; and
- d. compensation, faculty compensation actions, classified staff pay practices, benefits, and other terms, conditions, and privileges of employment.

The college shall, when requested, provide reasonable accommodations to qualified disabled applicants and employees so that he or she may perform the essential job functions of the position held or sought, unless to do so would constitute an undue hardship.

The employee making the accommodation request is required, among other things, to cooperate throughout the accommodation process by attending meetings to discuss the employee's accommodation needs, timely provide current medical information, and provide documentation of skills, abilities, training, and/or work experience, as requested.

Individuals with disabilities, whether or not receiving accommodations, are held to the same standards of conduct and job performance as other employees.

3. Definitions

For purposes of this policy, the following definitions apply:

ADA Coordinator: the college's designated human resources representative

Appropriate medical professionals: include, but are not limited to, doctors (including psychiatrists), psychologists, nurses, physical therapists, occupational therapists, speech therapists, vocational rehabilitation specialists, and licensed mental health professionals.

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

Essential job functions: those job activities that are determined by the employer to be essential or core to performing the job.

Major life activities: may include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working; includes the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Qualified individual: a person with a disability who meets the skill, experience, education, and other job-related requirements of the position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of the job.

Reasonable Accommodation: modification or adjusted practices, procedures, policies, job duties, or to the work environment so that a qualified individual with a disability can perform the position's essential functions, and/or enjoy equal employment opportunity. Reasonable accommodation will be implemented as long as it is medically necessary (i.e., there is competent medical evidence establishing a relationship between the disability and the need for accommodation), and it does not impose an undue hardship on the College.

Undue hardship: significant difficulty or expense incurred by an employer with respect to the provision of reasonable accommodation, which means that an accommodation would be unduly costly, extensive, substantial, or disruptive, or would fundamentally alter the nature or operation of the business. Among the factors to be considered in determining whether an accommodation is an undue hardship is the cost of the accommodation, the employer's size, financial resources, and the nature and structure of its operation.

4. Procedures for Implementation

4.1 An employee who is seeking reasonable accommodation(s) to perform the essential functions of their job must complete the ADA Employee Request for Reasonable Accommodations Form and the ADA Medical Release Form.

4.2 Upon receipt of the ADA Employee Request for Reasonable Accommodations Form and the ADA Medical Release Form, the ADA Coordinator will engage in the assessment process which will include:

- a. The ADA Coordinator will contact the employee to discuss the ADA process, to understand the employee's accommodation request, and to verify the contact information of the appropriate medical provider.
- b. The ADA Coordinator may consult with the employee's supervisor to determine essential functions, work environment, and physical demands of the employee's job.

- c. The ADA Coordinator will send the Medical Certification Form and the employee's Employee Work Profile or job description to the employee's appropriate medical provider.
- 4.3 Upon receipt of the completed PVCC Medical Certification form, the college's ADA Coordinator will engage in the assessment and interactive process which will include:
- a. The ADA Coordinator will review the medical documentation to determine whether the employee is a qualified individual with a disability.
 - b. If so, the ADA Coordinator will assess how the requested accommodation or alternative accommodations may allow the employee to perform the essential functions of the position. The ADA Coordinator may continue to consult with the employee's supervisor and other knowledgeable sources, as necessary.
 - c. The ADA Coordinator will consider the requestor's preference. The final determination of appropriate accommodations rests with PVCC based on the review of all the provided documentation.
 - d. When accommodations are granted, the ADA Coordinator will notify the employee in writing within ten (10) workdays of the decision.
 - e. If the College determines that it is not possible to accommodate an employee in his/her current position and the employee can work at least half time or more, the College will attempt to place the employee in a vacant position that meets the following requirements:
 - i. The position has the comparable or lower salary range or grade as the current position.
 - ii. The employee meets the position's minimum qualifications and special skill requirements; and,
 - iii. The employee is able to perform the position's essential functions with or without accommodation.
 - f. The College is not required to create new positions, displace other employees, or offer a promotion as a form of accommodation. The position will normally be of the same type (e.g., regular, hourly, or student).
 - g. If an employee cannot be accommodated, including placement in an alternative position, the employee will be separated from college employment after the employee's entitlements under the Family and Medical Leave Act (FMLA), if any, are exhausted.
- 4.4 In the event the employee disagrees with the determination and/or proposed accommodation, they may submit an appeal to the college's vice president of finance and administration to request an informal review. The vice president of finance and administration will make a determination within ten (10) workdays of such requests.
- 4.5 The ADA Coordinator may conduct reviews of employee accommodations on an as-needed basis to determine whether updated documentation is needed and whether accommodations remain appropriate and sufficient. Either the employee or the supervisor may also request such a review.