



December 11, 2019

TO: THE DISTRICT BOARD OF TRUSTEES
OF VALENCIA COLLEGE

FROM: SANFORD C. SHUGART
President

RE: POLICY ADOPTIONS

The following new policy is proposed for adoption in order to clarify the College's policy and practice with respect to the provision of reasonable accommodations to employees and applicants for employment with documented disabilities, in accordance with applicable laws and regulations:

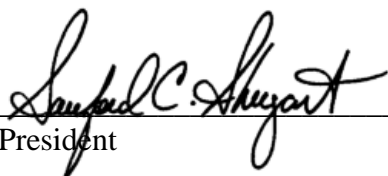
- College Policy 6Hx28: 02-02 Workplace Accommodations for Applicants and Employees

Amendments to the policies listed below are proposed to better align with applicable laws and regulations, to eliminate obsolete language, and to reflect current and improved practices:

- College Policy 6Hx28: 3D-06.3 Workers' Compensation and Illness or Injury In Line of Duty Leave
- College Policy 6Hx28: 10-01 Reporting Incidents or Injuries

RECOMMENDED ACTION:

The President recommends that the District Board of Trustees of Valencia College approve Policies 6Hx28: 02-02 Workplace Accommodations for Applicants and Employees; 6Hx28: 3D-06.3 Workers' Compensation and Illness or Injury In Line of Duty Leave; and 6Hx28: 10-01 Reporting Incidents or Injuries, as presented.



President



POLICY: 6Hx28:02-02

Responsible Executive: Vice President,
Organizational Development & Human
Resources

Policy Contacts: Assistant Vice
President, Equity and Access

Specific Authority: 1001.64, F.S.

Law Implemented: 1001.64, F.S.

Effective Date: 12-11-2019

Date of Last Policy Review: 12-11-2019

Workplace Accommodations for Applicants and Employees

Policy Statement:

- I. It is the policy of the District Board of Trustees to provide equal opportunity for employment and educational opportunities to all applicants for employment and employees without regard to any temporary or long-term disability protected under the Americans with Disabilities Act Amendments Act of 2008 (ADAAA) and other applicable federal, state, and local laws and regulations. In creating a more inclusive environment, eligible applicants and employees can readily request and receive reasonable accommodations to assist them in competing for job vacancies, performing the essential functions of a position, gaining access to the workplace, and/or accessing employment benefits in accordance with applicable laws and regulations. Valencia College is committed to evaluating requests for reasonable accommodation and providing reasonable accommodations as appropriate providing the requested accommodation does not create an undue hardship for Valencia College or pose a direct threat to the health or safety of others in the workplace or to the requestor. The College President or designee(s) may establish procedures to implement this policy.

Policy History: Adopted 12-11-2019

Related Documents/Policies:

College Policy 6Hx28: 2-01 Discrimination, Harassment and Related Misconduct

Procedures:

The following procedures outline job applicant responsibilities, employee responsibilities and the interactive process:

- I. An applicant or employee may obtain information concerning disability accommodations by contacting Organizational Development and Human Resources (ODHR) Access Services at 407-582-3801 or jvictoria2@valenciacollege.edu. An applicant/employee is not considered to have made a formal request for accommodation when ODHR Access Services simply provides disability accommodation information or forms to an applicant/employee or when an applicant/employee only discloses to ODHR Access Services that they have a medical condition, without more. In addition, the College will not consider a request for accommodation from an applicant or employee who chooses not to initiate or engage in the interactive process, or who does not submit required documentation.
- II. Job Applicant Responsibilities in Initiating the Accommodation Process and the Applicant Interactive Process
 - A. An applicant has a responsibility to communicate at the earliest possible opportunity the specific reasonable accommodation(s) requested due to a disability. An applicant may request a reasonable accommodation at any time during the recruitment, selection or hiring processes by contacting ODHR Access Services at 407-582-3801 or jvictoria2@valenciacollege.edu. After communicating with a representative from ODHR, an applicant will be required to provide supporting documentation relating to the requested accommodation and participate in the interactive process regarding assistance with gaining access to the workplace and/or any of the recruitment, interview, assessment, selection, and/or hiring processes as applicable.
 - B. Once an applicant communicates to ODHR Access Services a request for an accommodation, ODHR Access Services shall engage in an interactive process and provide applicable accommodation request forms for completion by the applicant and appropriate health care provider(s) along with a deadline date for submission. Applicants shall be notified if additional information is required to be submitted. Documentation that is incomplete, not submitted, or submitted after the deadline date absent legitimate extenuating circumstances may result in closing the request until updated information is received or the applicant withdraws the request. When extenuating circumstances and/or complexity of the request are present, the time for evaluating and processing a request to include providing a reasonable accommodation shall be extended as reasonably necessary.

- C. Each accommodation request shall be evaluated on an individual basis and ODHR Access Services shall communicate with the applicant and department as appropriate to assist in making an informed decision. Once all of the information with respect to the accommodation request is reviewed and evaluated, a determination shall be made by ODHR Access Services whether the requested accommodation is required and reasonable, as appropriate, or an alternative modification shall be provided and the applicant shall be notified of such outcome.
- D. If a newly hired employee requests accommodations related to the new job, which may or may not be related to accommodations that were previously requested and provided during the recruitment, selection, and/or hiring process, such requests shall be subject to a separate interactive process described in Section III below.

III. Employee Responsibilities in Initiating the Accommodation Process and the Employee Interactive Process

- A. An employee has a responsibility to communicate to ODHR Access Services at the earliest possible opportunity the specific reasonable accommodation(s) requested due to a disability. An employee may do so by contacting ODHR Access Services at 407-582-3801 or jvictoria2@valenciacollege.edu. After communicating with a representative from ODHR Access Services, an employee will be required to provide supporting documentation relating to the requested accommodation as required, and participate in the interactive process regarding assistance with performing the essential functions of a position, gaining access to the workplace, and/or accessing employment benefits.
- B. Once an employee communicates to ODHR a request for a workplace accommodation, ODHR Access Services shall engage in an interactive process and provide the employee applicable accommodation request forms, including the applicable job description, for evaluation and completion by the employee and appropriate health care provider(s). Employees shall be notified if additional information is required to be submitted. Documentation that is incomplete, not submitted, or submitted after the deadline date absent legitimate extenuating circumstances may result in closing the request until updated information is received or the employee withdraws the request. When extenuating circumstances and/or complexity of the request are present, the time for evaluating and processing a request for an accommodation shall be extended as necessary.
- C. Each accommodation request and supporting documentation shall be evaluated on an individual basis by ODHR Access Services. ODHR Access Services shall meet with individual parties and collectively with all parties as appropriate to assist in making an informed decision. The interactive

process is a collaborative effort between the employee, their supervisor, and ODHR representative(s) to discuss accommodation requests, review and evaluate supporting documentation as applicable, and identify potential accommodation solutions. This discussion will include the employee's essential job functions and identifying any reasonable solutions to accommodate the employee. A determination shall be made by the respective supervisor/department leadership in collaboration with ODHR Access Services whether the requested accommodation is reasonable and can be provided; or in identifying an alternative accommodation, or that a reasonable accommodation is not required or possible.

- 1 If an accommodation is granted as requested or an alternative accommodation is identified as reasonable, ODHR Access Services shall inform the employee of the decision and discuss any questions/concerns by the employee, if any, about the decision and steps for implementation. Once the accommodation to be provided is identified, ODHR Access Services provides in writing to the employee details regarding the approved accommodation and implementation plan of such accommodation. ODHR shall be an ongoing resource to both the supervisor and employee to support reasonable accommodation requests with the employee's ability to perform the essential job functions. Re-evaluation of reasonable accommodations may be conducted as appropriate or on a periodic basis to ensure the accommodation(s) in place continue to be effective and the interactive process may be re-engaged as necessary.
- 2 If the requested accommodation is deemed not reasonable and no alternative reasonable accommodation is identified, the employee shall receive written confirmation of the decision and informed of available options, as appropriate.
- 3 If the request is not determined to require a reasonable accommodation or the employee does not provide acceptable documentation of a disability, the employee shall receive written confirmation of the decision.
- 4 The College is not required to create a position, displace another employee, offer a promotion, or move an employee into a position in which the requesting employee does not meet the qualifications. The requesting employee is not prohibited from applying and competing for other vacant posted positions at the College.

IV. Applicants and employees should refer to College Policy 6Hx28: 02-01 Discrimination, Harassment and Related Misconduct if questions or concerns arise

regarding allegations of harassment, discrimination, or retaliation to include contacting the Assistant Vice President for Equity and Access for assistance at 407-582-3421 or equalopportunity@valenciacollege.edu.

Procedure History:

Adopted 12-11-2019

Date of Last Procedure Review: 12-11-2019

DRAFT