



4.2.010

Employee ADA Access and Reasonable Accommodations Policy

Date of last board of trustees review: May 6, 2024

The originator of this policy is People & Workplace Culture. Questions regarding this policy may be directed to the originator by calling 801-957-4210.

1. Policy

Salt Lake Community College is committed to building and maintaining a community that reflects diversity and improves opportunities for all employees with reasonable accommodations. As part of this commitment, these policies and procedures will ensure that qualified employees with disabilities are not subjected to discrimination based on their disability. The college prohibits any discrimination against persons with disabilities.

2. References

- A. Americans with Disabilities Act (ADA) of 1990, 42 U.S.C. §12101 et seq. (1990).
- B. ADA Amendments Act (ADAAA) of 2008, Pub. L. 110–325.
- C. Rehabilitation Act of 1973, 29 U.S.C. §701 et seq. (1973).
- D. Utah Code §34A–5–106(7)(c) (2016).

4.2.010

Employee ADA Access and Reasonable Accommodations Procedure

Date of last executive cabinet review: March 19, 2024

The originator of this procedure is People & Workplace Culture. Questions regarding this procedure may be directed to the originator by calling 801-957-4210.

3. Definitions

- A. **Disability:** a mental or physical impairment, which may be temporary, that substantially limits one or more major life activities of an employee. In making a determination whether one has a disability, an employee's past record of having an impairment and where the condition is generally considered to be an impairment are factors that can be evaluated.
- B. **Emotional Support Animal (ESA):** a designated companion animal that provides comfort and support to a person dealing with a diagnosed disability. To be officially categorized as an ESA, the owner and animal must have the proper documentation as an ESA Letter. ESAs do not perform a specific task or job.
- C. **Essential Requirements:** the essential functions of an employee's job.
- D. **Fundamental Alteration:** a significant change to a job or position's nature that substantially changes the essential requirements of the job or position.
- E. **Interactive Process:** informal communications process between a qualified employee with a disability, their supervisor, and the ADA/FML Coordinator to better understand the work limitations created by the disability and the reasonable accommodations that are necessary to enable an employee to perform essential requirements.
- F. **Major Life Activity:** includes, but is not limited to, caring for oneself, performing manual tasks, walking, sitting, standing, lifting, reaching, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, bending, reading, concentrating, thinking and communicating, as well as the normal operations of major bodily systems including but not limited to the immune system, normal cell growth, digestive, bowel, bladder, complications from pregnancy, neurological, brain, respiratory, circulatory, endocrine,

and reproductive functions.

- G. **Miniature Horse:** a horse whose height generally ranges from 24 inches to 34 inches when measured to the shoulders. Its weight generally ranges from between 70 and 100 pounds.
- H. **Qualified Employee with a Disability:** an individual with a mental or physical condition who meets the eligibility requirements for an employment position with or without a reasonable accommodation.
- I. **Reasonable Accommodation:** a modification, adjustment, or change made in the policy, practice, environment, or procedure to provide individuals with disabilities equal access to employment opportunities and enable their participation in programs, services, or activities.
- J. **Service animals:** only dogs and miniature horses that are individually trained to do work or perform tasks for persons with disabilities.
- K. **Undue hardship:** an accommodation that causes substantial difficulty or disruption to the workplace when considering the nature and impact of the accommodation on the nature or operation of a job or position.

4. Procedures

A. General

- 1. This policy applies to all college employees, including student employees, and all persons seeking employment.
- 2. The Student ADA Access and Reasonable Accommodations Policy applies to students, members of the public, and student or community events.

B. Reporting Discrimination Against Individuals with Disabilities

Employees who believe they have been discriminated against because of a disability [may file a complaint with the Equal Opportunity Office.](#)

C. Requesting Reasonable Accommodations and Parties' Duties

- 1. All employees with a disability may request an accommodation. The college evaluates all accommodation requests through an interactive process in accordance with state and federal law.
- 2. **Employee Accommodations**
 - a. An employee may make accommodation requests through the Family Medical Leave/Americans with Disability Act ("FML/ADA") coordinator:

- (1) submitting an online [Employee Accommodation Request form](#); and
- (2) may consult with the FML/ADA coordinator in person, by mail, telephone, or email.

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- b. If an employee requests an accommodation from their supervisor, the supervisor must direct the employee to the FML/ADA coordinator.
3. Duties of FML/ADA Coordinator, Employee Seeking Accommodation, and Supervisor
- a. Employee Seeking Disability Accommodation (Qualified Employee with a Disability)
 - (1) Initiate the accommodation process set forth in section 4.C;
 - (2) Provide appropriate medical and other documentation or information that confirms a disability or that is requested by the FML/ADA coordinator.
 - (3) Participate in the interactive process to identify appropriate reasonable accommodation.
 - b. FML/ADA coordinator
 - (1) Conduct accommodation reviews and issue written determinations;
 - (2) Request necessary documentation, including medical documentation, in support of accommodation requests;
 - (3) Direct the interactive process between the employee and supervisor;
 - (4) Oversee and monitor the implementation of the accommodation;
 - (5) Provide assistance and training to supervisors and employees;
 - (6) Maintain strict confidentiality regarding employee's accommodations and medical conditions; and
 - (7) Take all additional necessary actions consistent with this policy's purposes.
 - c. Supervisors:

- (1) Must refer accommodation requests to the FML/ADA coordinator.
 - (a) Supervisors are not allowed to develop employee ADA Accommodations without the FML/ADA coordinator
- (2) Engage in the interactive process with the employee and FML/ADA coordinator to develop appropriate reasonable accommodations.
- (3) Comply with and implement reasonable accommodations
- (4) Follow FML/ADA coordinator directives related to the accommodation.
- (5) Maintain confidentiality of employee accommodation needs and medical information.

D. Review and Determination of Employee Accommodation Requests

1. The FML/ADA coordinator will review the accommodation request and all supporting documentation, including medical documentation, and then engage in the interactive process with the employee and supervisor to identify functional limitations and reasonable accommodations.
2. When making determinations about eligibility and accommodations, the FML/ADA coordinator can use:
 - a. any relevant source of information; and
 - b. their best professional judgment in evaluating documentation and accommodation requests.
3. Criteria for Evaluating Accommodation Requests
 - a. Substantial Limitations
 - (1) When evaluating the need for a reasonable accommodation concerning an impairment that restricts the duration, manner, or condition under which an employee can perform a particular major life activity compared to the ability of the typical person in the general population to perform the same major life activity, the following factors will be considered:
 - (a) the nature and severity of the impairment;
 - (b) the duration or expected duration of the impairment;
 - (c) impact on function and use caused by the impairment; and
 - (d) environmental barriers that may impact the impairment..
 - (2) Understanding and acknowledging limitations in these activities and bodily

systems are critical in evaluating the impact of disabilities and determining appropriate accommodations or support.

b. Fundamental Alteration and Undue Hardship Determination

When evaluating an accommodation request, the FML/ADA coordinator shall evaluate whether the requested accommodation:

- (1) fundamentally alters the nature of the employee's job or position; and
- (2) constitutes an undue hardship on the college or the department where the employee works.

4. Reasonable Accommodation Determination

a. The FML/ADA coordinator may develop reasonable accommodations using the interactive process. These reasonable accommodations may include, but are not limited to:

- (1) making existing facilities used by employees readily accessible to and usable by individuals with disabilities;
- (2) job restructuring, part-time or modified work schedules, or reassignment to a vacant position;
- (3) acquisition or modification of equipment or devices ([auxiliary aids and services](#)); and
- (4) other similar accommodations for employees with disabilities.

b. Procedure

- (1) The FML/ADA coordinator's determination must be in writing and specify the reasonable accommodations being provided to the employee or why an accommodation is denied or partially denied;
- (2) The written determination letter must be provided to the employee and the employee's supervisor; and
- (3) The written determination must notify the employee and supervisor of their appeal rights.

c. The FML/ADA coordinator shall review reasonable accommodation determinations for faculty and staff at least annually, and possibly more frequently depending on the relevant facts of the given case, to determine whether the accommodation should be continued, modified, or discontinued.

E. Appeal of Accommodation Determination

1. The employee may request an appeal of the reasonable accommodation determination by submitting a written appeal to the senior director for People and Workplace Culture ("PWC") within ten business days of the date the accommodation determination is sent to the employee and supervisor. The written appeal should include:
 - a. the grounds and explanation for the appeal; and
 - b. any new documentation supporting the appeal that was unavailable at the time of the FML/ADA coordinator's Decision.
2. Upon receipt of the Appeal, the senior director of PWC will provide a copy of the appeal to the FML/ADA coordinator and non-appealing party.
 - a. If the appeal or supporting documentation contains personal medical information, the senior director of PWC will withhold, unless in their sole discretion, that the confidential information should be disclosed.
 - b. The senior director of PWC should consult with legal counsel about disclosing or withholding confidential information.
3. The Accommodation Review Committee will review the Appeal. This Committee shall be comprised of the:
 - a. senior director of PWC, who shall be the committee chairperson;
 - b. director of Accessibility and Disability Services;
 - c. director of Employee Benefits;
 - d. director of Risk Management; and
 - e. Office of General Counsel representative.
4. The Committee shall review the FML/ADA coordinator's written decision and all supporting documentation reviewed by the FML/ADA coordinator in making the accommodation decision. In reviewing the matter, the Committee, in its sole discretion, may consult with the FML/ADA coordinator, supervisor, or employee.
5. Within 20 calendar days of receiving the appeal, the Committee shall provide its decision in writing to the employee, supervisor, FML/ADA coordinator, associate vice president for PWC, General Counsel, and the appropriate vice president or provost.
 - a. The Committee's written decision should avoid disclosing confidential medical information.
6. The Committee's written decision shall be final and binding.

F. Service Animals

- 1. Employees may bring service animals into college facilities; however, the employee must be in the same room with the service animal.**
 - a. Staff inquiry regarding an employee's service animal is limited to the following:**
 - (1) whether the service animal is required because of a disability; and**
 - (2) what work or task has the service animal been trained to perform.**
 - b. Staff may not**
 - (1) ask about the employee's disability;**
 - (2) require medical documentation;**
 - (3) require a special identification card or training documentation for the service animal; and**
 - (4) ask that the service animal demonstrate its ability to perform the work or task.**
 - c. Staff are not required to provide care or supervision for a service animal.**
 - d. Employees with service animals are not required to register the service animal with the FML/ADA coordinator.**
- 2. Restrictions on Service Animals**
 - a. A service animal may be excluded from campuses under the following conditions:**
 - (1) the service animal's behavior threatens the health or safety of other persons;**
 - (2) the employee is unable to control the service animal appropriately;**
 - (3) the service animal is not housebroken; or**
 - (4) the employee does not stay in the same room as the service animal.**
 - b. Miniature Horses**

In determining whether it is reasonable to accommodate miniature horses in a campus facility, the FML/ADA coordinator must assess the following factors:

 - (1) whether the miniature horse is housebroken;**
 - (2) whether the miniature horse is under the employee's control;**
 - (3) whether the campus facility can accommodate the horse's type, size, and**

weight; and

- (4) whether the miniature horse's presence will not compromise legitimate safety requirements for the safe operation of the facility.

3. Miscellaneous

- a. Allergies and fear of service animals (dogs or miniature horses) are not valid reasons for refusing to allow employees to bring a service animal into a college facility.
- b. Animals that are not qualified as service animals are not allowed in college facilities.
- c. Emotional support animals do not constitute service animals.

G. Confidentiality and Privacy

Information concerning an employee's reasonable accommodation, medical condition, and medical history shall be kept confidential, except that:

1. supervisors and other persons with a legitimate need to know may be informed regarding restrictions on the work or duties of persons with disabilities and regarding accommodations;
2. medical and public safety officials may be informed where appropriate if the condition might require emergency treatment; and
3. employees with a duty to investigate compliance with the ADA shall be provided relevant information upon request.

H. Parking Accommodations

1. The college has designated parking stalls for individuals with disabilities on all campuses.
2. [A map of these locations can be found on the Parking Services webpage.](#)

I. Special Pregnancy Related Accommodations

Employees who are seeking accommodation related to pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom are not required to provide certification for more frequent restroom, food, or water breaks.