



ACCOMMODATIONS FOR EMPLOYEES WITH DISABILITIES PROCEDURE

PERSONNEL | 300.323

Last Evaluation

3/28/2024

Executive Staff Approval

5/6/2024

1. Procedure Statement

Mountainland Technical College (MTECH) is committed to equal employment opportunity and non-discrimination, as outlined in the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA), and ensures full right of access for persons with disabilities to all terms and conditions of employment, services, programs and activities. Employees, and candidates for employment, will be treated on the basis of their ability to perform essential job functions, with or without reasonable accommodation. MTECH will reasonably accommodate qualified individuals with known disabilities unless doing so would fundamentally alter an essential job function, create a direct threat, or impose an undue hardship on the college.

2. Definitions

Disability – Any visible or non-visible impairment which substantially limits one or more major life activities.

Employee ADA Coordinator – The person responsible for supporting employee requests for Americans with Disabilities (ADA) accommodations.

Essential Job Function – The job tasks and duties which are fundamental to the purpose of the position and where satisfactory performance of these functions is integral to meeting the job requirements.

Fundamental Alteration – Occurs when a proposed or recommended accommodation invalidates, negates, or impedes an essential job function.

Interactive Process – An informal dialogue through which an individual with a qualified disability and the college better understand the precise limitations

created by the disability and how reasonable accommodation(s) may enable the employee to perform an essential job function(s) and access the programs, activities, and facilities available to other qualified employees.

Major Life Activity(ies) - Fundamental tasks or functions essential for independent living and overall well-being. Such tasks and functions include breathing, caring for oneself, concentrating, seeing, hearing, speaking, communicating, interacting with others, learning, lifting, performing manual tasks, reading, sleeping, walking, mobility and working.

Reasonable Accommodation – Any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to perform the essential functions of the job equal to those applicants or employees without a disability.

Retaliation - An action, performed directly or through others, that is aimed to dissuade a reasonable person from engaging in a protected activity or is done in retribution for engaging in a protected activity. Action in response to a protected activity is not retaliatory unless (1) it has a materially adverse effect on the working, academic, or other MTECH-related environment of an individual and (2) it would not have occurred in the absence of (but for) the protected activity.

Student ADA Coordinator - The person responsible for supporting student requests for Americans with Disabilities (ADA) accommodations.

3. References

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.

Civil Rights Act of 1964, Title VII, 42 U.S.C. §§ 2000e et seq. (1964).

Diagnostic and Statistical Manual of Mental Disorders (DSM)

International Classification of Diseases (ICD)

MTECH 300.305 Discrimination and Harassment Complaints Policy and Procedure

Rehabilitation Act of 1973, § 504, 29 U.S.C. § 794.

4. Accommodation Request Procedure

4.1 Employees who wish to request an accommodation to assist them in performing essential job functions must contact the Employee ADA Coordinator.

- 4.2 Employee supervisors or administrators who receive disability accommodation requests from college employees must promptly refer the employee to the Employee ADA Coordinator.
- 4.3 Employees must voluntarily disclose their disability, submit a written request directly to the Employee ADA Coordinator, and provide adequate documentation of their disability.
- 4.3.1 All accommodation requests must include, at minimum, documentation of the following items by a licensed professional acting within the scope of a relevant professional specialty:
- 4.3.1.1 A specific physical diagnosis, as defined by the most current edition of the *International Classification of Diseases (ICD)*, or psychological diagnosis, as defined by the most current edition of the *Diagnostic and Statistical Manual of Mental Disorders (DSM)*,
 - 4.3.1.2 Comprehensive documentation to support the diagnosis,
 - 4.3.1.3 A history of symptoms,
 - 4.3.1.4 A list of functional limitations the diagnosed condition creates relevant to the employment setting,
 - 4.3.1.5 The physician recommended accommodations and ways the functional limitation relates to the request for accommodation,
 - 4.3.1.6 Currently prescribed medications and the side effects or impact in the employment setting.
- 4.3.2 Documentation must be current according to the standard expiration time frames of the specific disability. Individuals requesting an accommodation who submit outdated documentation may be required to provide updated documentation.

Standard Expiration Time Frames for Various Disabilities Documentation	
Visible - Permanent Disabilities	No Documentation Required
Non-Visible - Permanent Disabilities	10 years
Psychiatric and Psychological Disabilities	5 years
Learning Disabilities	7 years

All Other Disabilities	5 years
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- 4.3.3 Employees requesting an accommodation may sign a Release of Information authorizing the Employee ADA Coordinator to inquire about the diagnosed disability and any elements of documentation that are unclear. Failing to sign and provide a Release of Information may delay accommodations and/or result in denial of accommodations.
- 4.4 No action to provide accommodation for the employee may be taken until the formal process is complete, an accommodation has been approved, and notification has been made to the employee, and the supervisors in the employee's reporting line.

5. Review of Accommodation Requests

- 5.1 The Employee Accommodation Committee, composed of the Employee ADA Coordinator, the Director Human Resources, and the Student ADA Coordinator, will review the accommodation request.
- 5.2 After receiving an accommodation request, the committee reviews the documentation and engages in an interactive process with the employee to better understand the accommodation(s) requested. If there are questions to be resolved, the committee may ask for additional documentation.
- 5.3 As part of the review process for employee accommodations, the committee will consult with the appropriate supervisor(s) and vice president to determine the impact of potential accommodations on college operations. If needed, the committee will also consult with State Risk Management, and/or the Attorney General's Office
- 5.3.1 Supervisors may discuss potential concerns or problems with implementation of an accommodation with the committee.
- 5.4 During review, the Employee Accommodation Committee considers the individual needs of the employee, the reasonableness of the accommodation, and the recommendations from a qualified healthcare provider (included in the submitted documentation).
- 5.4.1 The recommendations must be supported by evidence that clearly demonstrates a substantial limitation in the requestor's ability to

access or perform in the relevant job, service, program, activity, facility, or communication.

- 5.5 Each accommodation request is carefully considered, on its own merits.
- 5.6 The requesting employee may choose to modify their request or submit additional documentation.
- 5.7 The Employee Accommodation Committee reserves the right to modify the accommodation request of the employee, if another option is more convenient, more efficient, easier to procure, or more cost effective while still allowing the individual to meet the essential job functions of their job.

6. Authorization of Accommodation Requests

- 6.1 The Employee Accommodation Committee may authorize accommodation requests that are reasonable and meet the required standards for documentation.
- 6.2 After approval, the Employee ADA Coordinator must send written notification of the specific accommodation(s) granted to the employee, the supervisor, Director, Associate Vice President (AVP), and Vice President over the employee's department. No healthcare information will be shared as part of this notification.
- 6.3 No action on the accommodation may be taken until the written notice has been shared with the parties listed above.
- 6.4 Employees are responsible for meeting with the Employee ADA Coordinator at least annually to review accommodations and the appropriateness of their use in the future.
- 6.5 Supervisors must implement the accommodation(s), as notified by the Employee ADA Coordinator, fully, without retaliation, and immediately upon notification.
- 6.6 Employees with disabilities shall not be required to pay any costs of accommodations provided to them.
- 6.7 Supervisors should contact the Employee ADA Coordinator with any questions or concerns.

7. Denial or Modification of Accommodation Requests

- 7.1 The Employee Accommodation Committee may deny or modify requested accommodations under the following circumstances:
 - 7.1.1 The documentation is deficient, outdated, or otherwise does not reasonably show a need for the requested accommodation.
 - 7.1.2 The accommodation would pose a direct threat to the health or safety of others.
 - 7.1.3 The accommodation would create an undue financial or administrative hardship for the college.
 - 7.1.4 The accommodation would eliminate or alter an essential job function or cause a fundamental alteration of the job. In consultation with the employee's supervisor(s) or others directly impacted, the Employee Accommodation Committee will determine whether the requested accommodation would cause a fundamental alteration of an essential job function requirement. This deliberation will include:
 - 7.1.4.1 identifying specific essential job functions and requirements.
 - 7.1.4.1.1 The written job description defines most of the essential job functions and additional duties as assigned.
 - 7.1.4.1.2 Due to the nature of the college's mission to provide technical education, regular physical attendance at work shall be considered an essential job function for all positions at the college, unless otherwise specified in the job description.
 - 7.1.4.1.3 Essential job functions may be updated or amended as deemed necessary to meet changing job requirements.
 - 7.1.4.2 identifying the unique qualities of the job.
 - 7.1.4.3 considering any reasonable alternatives to the essential job functions and requirements.
 - 7.1.5 The accommodation would disrupt MTECH's educational programs or activities, including classroom instruction, or unduly disrupt the ability of students to learn.

- 7.1.6 Employees must be able to perform the essential job functions, with or without reasonable accommodation. If reasonable accommodation will not enable the employee to adequately perform the essential job function(s), the employee may be judged to be not qualified for the position. The reasonableness of any accommodation will be evaluated on a case-by-case basis.
- 7.2 The Employee Accommodation Committee will consult with counsel from Utah State Risk Management before denying an accommodation request, in order to ensure that the college is in compliance with the law.
- 7.3 The Employee ADA Coordinator will notify the employee, their supervisor, and the Director, AVP and Vice President over their department of the outcome of the accommodation request through a written notification, explaining the reasons for the Employee Accommodation Committee's decision.

8. Disputes regarding Accommodation Decision(s)

- 8.1 The employee and the Employee Accommodation Committee should make a reasonable effort to resolve any disputes regarding an accommodation prior to requesting further review by the Accommodation Review Committee.
 - 8.1.1 The Accommodation Review Committee is composed of the Director of College Rights and Advocacy, and the college Vice Presidents.
- 8.2 Within 30 days of receiving notice of a denied request, the requesting employee may make a written request for further review by the Accommodation Review Committee.
- 8.3 In consultation with the Attorney General's Office and/or Utah Risk Management, the Accommodation Review Committee shall review the written decision and all documentation provided to, or relied upon by the Employee Accommodation Committee in making the decision. At this time, the employee may submit any new documentation and/or written explanation regarding information that became available only after the Employee ADA Coordinator's written decision.
- 8.4 Within 30 days of receiving the request for review, the Accommodation Review Committee shall provide its decision in writing to the employee,

their supervisor and the Employee Accommodation Committee. The decision of the Accommodation Review Committee is final and not subject to additional dispute under this, or any other MTECH policy.

9. Evaluation History

Last Evaluation	Executive Staff Approval	Board Approval
6/10/2004		6/16/2004
1/13/2023	1/23/2023	3/15/2023
2/21/2024	3/11/2024	
3/28/2024	5/6/2024	