

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS

Personnel
REASONABLE ACCOMMODATIONPolicy Statement:

The Fresno County Superintendent of Schools ("FCSS" or "County Superintendent") is committed to providing reasonable accommodation to qualified employees and job applicants with disabilities and protected medical conditions to enable them to perform essential job functions in compliance with the Americans with Disabilities Act ("ADA"), the California Fair Employment and Housing Act ("FEHA"), and other applicable laws and regulations. The process for requesting accommodation is interactive, confidential, and designed to identify effective solutions that support individual needs while maintaining the integrity of the FCSS' programs and services. Therefore, the following shall be the FCSS' policy for reasonable accommodation.

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

1. In the job application process, to any qualified job applicant with a disability or protected medical condition.
2. To enable any qualified employee with a disability or protected medical condition to perform the essential functions of the position the individual 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/medical conditions.

No employee or job applicant who requests accommodation for their physical or mental disability or protected medical condition shall be subjected to discrimination or to any punishment or sanction, regardless of whether the request for accommodation was granted.

The FCSS designates the Human Resources Manager as the compliance coordinator ("Coordinator") regarding the ADA and FEHA and to examine any and all related requests for reasonable accommodation. The Coordinator will work in collaboration with the Benefits Analyst when engaging in the interactive process.

Definitions

Disability, with respect to an individual, is defined as any of the following: (Government Code 12926; 29 CFR 1630.2)

1. A physical or mental impairment that limits one or more of the major life activities
2. A record of such an impairment
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. (Government Code 12926)

Essential functions are the fundamental job duties of the position the individual with a disability holds or desires. The term does not include the marginal functions of the position. (Government Code 12926; 29 CFR 1630.2)

"Medical condition" is a term specifically defined in Government Code section 12926, to mean either:

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- a. any cancer-related physical or mental health impairment from a diagnosis, record or history of cancer; or
- b. a “genetic characteristic,” as defined at Government Code section 12926. “Genetic characteristics” means:
 1. Any scientifically or medically identifiable gene or chromosome, or combination or alteration of a gene or chromosome, or any inherited characteristic that may derive from a person or the person's family member, and
 2. That is known to be a cause of a disease or disorder in a person or the person's offspring, or that is associated with a statistically increased risk of development of a disease or disorder, though presently not associated with any disease or disorder symptoms.

Reasonable accommodation means: (Government Code 12926; 29 CFR 1630.2)

1. For a qualified job applicant with a disability, modifications or adjustments to the job application process that enable them to be considered for the position they desire.
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 them to perform the essential functions of that position or to enjoy equal benefits and privileges of employment as are enjoyed by the FCSS' other similarly situated employees without disabilities.

Qualified individual with a disability means a job applicant or employee with a disability who: (29 CFR 1630.15, 1630.2)

1. Satisfies the requisite skill, experience, education, and other job-related requirements of the employment position they hold or desire.
2. Can perform the essential functions of the position with or without reasonable accommodation.
3. Would not pose a significant risk of substantial harm, which cannot be eliminated or reduced by reasonable accommodation, to themselves or others in the job they hold or desire.

Undue hardship is a determination based on an individualized assessment of current circumstances that shows providing a specific accommodation would cause significant difficulty or expense to the FCSS. (29 CFR 1630.2)

Request for Reasonable Accommodation

When requesting reasonable accommodation, an employee or their representative shall inform the employee's supervisor that they need a change at work for a reason related to a disability/ medical condition. The supervisor shall inform the Coordinator of the employee's request as soon as practicable.

When requesting reasonable accommodation for the hiring process, a job applicant shall inform the Coordinator that they will need reasonable accommodation during the process.

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When the disability/medical condition or the need for accommodation is not obvious, the Coordinator may ask the employee to supply reasonable documentation about their disability. In requesting this documentation, the Coordinator shall specify the types of information that are being sought 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 Coordinator to submit a list of specific questions to their health care or vocational professional.

If the documentation submitted by the employee does not indicate the existence of a qualifying disability/medical condition or explain the need for reasonable accommodation, the Coordinator shall request additional documentation that specifies the missing information. If the employee does not submit such additional documentation in a timely manner, the Coordinator may require them to submit to an examination by a health care professional selected and paid for by the FCSS.

The FCSS may make a medical or psychological inquiry of a job applicant or require them to submit to a medical or psychological examination after they have been given a conditional offer of employment but before the commencement of their job duties, provided the inquiry or examination is job-related, consistent with business necessity, and required for all incoming employees in the same job classification. (Government Code 12940)

The Coordinator shall not request any job applicant's or employee's genetic information except as authorized by law. (42 USC 2000ff-1, 42 USC 2000ff-5)

In accordance with law, the Coordinator shall ensure the confidentiality of information related to medical conditions or history. The Coordinator will notify the supervisor or manager when reasonable accommodation is granted.

Granting Reasonable Accommodation

Upon receiving a request for reasonable accommodation from a qualified individual with a disability/medical condition, the Coordinator or designee 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/medical condition, identify potential accommodations, and assess their effectiveness.
3. 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 FCSS.

A determination of undue hardship should be based on factors, including but not limited to: (29 CFR 1630.2)

- a. The nature and net cost of the accommodation is needed, taking into consideration the availability of tax credits and deductions and/or outside funding.
- b. The overall financial resources of the department/program making the accommodation, the number of individuals employed within the

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department/program, and the effect on expenses and resources of the department/program.

- c. The overall financial resources, number of employees, and the number, type, and location of the department/program.
- d. The impact of the accommodation on the department/program, including the impact on the ability of other employees to perform their duties and the impact on the department/program ability to conduct business.

The Coordinator may confer with the department/program administrator, any medical advisor chosen by the FCSS, and/or other staff before making a final decision regarding the proposed accommodation.

Any qualified individual with a disability/medical condition who is not satisfied with the decision of the Coordinator may request a meeting with the Assistant Superintendent of Human Resources.

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