



## OPERATING PROTOCOL & PROCEDURE

### **Details**

Number: 214  
Title: Employee / Job Applicant Disability Accommodation  
Category: Employees  
Responsibility: Human Resources  
Approval Date: 4/28/14  
Effective Date: 4/28/14  
Revised: 5/1/23

### **Purpose**

To establish procedures pertaining to employee and job applicant disability accommodation requests.

### **Applicability**

Employees, job applicants, and supervisors.

### **Definitions**

None.

### **References**

Americans with Disabilities Act of 1990, As Amended (2008)  
(<https://www.ada.gov/law-and-regs/ada/>)

Civil Rights Acts of 1964, Titles VI and VII  
(<https://www.eeoc.gov/statutes/title-vii-civil-rights-act-1964>)

Civil Rights Act of 1991 (<https://www.eeoc.gov/statutes/civil-rights-act-1991>)

Genetic Information Nondiscrimination Act of 2008 (GINA)  
(<https://www.eeoc.gov/statutes/genetic-information-nondiscrimination-act-2008>)

Rehabilitation Act of 1973, Section 504  
(<https://www.hhs.gov/sites/default/files/ocr/civilrights/resources/factsheets/504.pdf>)

State Board Policy 3-120, Affirmative Action / Anti-Discrimination  
(<https://cccs.edu/policies-and-procedures/board-policies/bp-3-120-affirmative-action-anti-discrimination/>)

### **Attachments or Related Forms/Documents**

None

### **Operating Protocol**

Pueblo Community College complies with Federal, State, and Board requirements when administrating disability accommodation requests from employees or job applicants and to provide a reasonable accommodation when possible.

The ADA Coordinator for employee and job applicants is the Vice President of Human Resources (VPHR) at:

Pueblo Community College  
Office of Human Resources  
900 West Orman Avenue, Room CA-11  
Pueblo, CO 81004  
T 719-549-3220  
F 719-549-3127  
[pcchr@pueblocc.edu](mailto:pcchr@pueblocc.edu)

Medical information and genetic provided by an employee or job applicant will be maintained apart from their general employee file as a separate, confidential medical record. This information may be disclosed:

- To supervisors when it is needed in order to provide a reasonable accommodation or to meet an employee's work restrictions;
- To first responders and safety personnel should the employee need emergency treatment or require other assistance, such as assistance during an evacuation;
- To agencies investigating compliance with the ADA or similar state or local regulations;
- Pursuant to workers' compensation laws or for insurance purposes; and
- As otherwise required or permitted by law.

PCC reserves the right to require an employee to undergo an independent evaluation at the college's expense. The evaluation will be conducted by a licensed, qualified health professional or physician selected by the college to evaluate the request for accommodation and the impact of the disability on the employee's performance of their essential job functions. PCC may request periodic updates of the employee's condition as frequently as such status reports may be necessary.

## Procedure

### **Request for Accommodation – Current Employee or New Hire Employees**

A current employee or a new-hired employee who believes they have a disability requests an accommodation; the request is submitted directly to Human Resources and may be done orally or by email, but must be followed up with submission of the *MDA Medical Inquiry Form* completed by a licensed, qualified health professional or physician. The form is available on the Employee Portal and at the HR office.

HR provides the employee/new hire with their job description to assist the medical provider when completing the accommodation request form.

Once the medical provider documents the disability, denotes which essential job functions the employee cannot perform without a reasonable accommodation, and describes the accommodation(s) the employee needs to perform the essential functions of their job, then the ADA Coordinator initiates the interactive process with the medical provider, the employee, and the employee's supervisor to determine what accommodation(s) may be reasonably provided by the college to enable the employee to perform the essential functions of their job. An analysis of alternative accommodations is permitted.

The ADA Coordinator documents in writing to the employee and supervisor what accommodation/s have been granted and maintains a copy in the employee's medical file.

PCC is not required to provide an accommodation that would cause undue hardship to the college.

If the employee or new hire is unable to be reasonably accommodated in their job and no vacancies exist into which the individual can be reassigned or which the individual accepts, then the employee or new hire may be involuntarily separated from employment.

A supervisor is not permitted to receive or to grant a disability accommodation request or to receive any medical information from an employee or a new hire, but must refer the individual to HR.

A supervisor may permit a limited-duration accommodation (not greater than 4 weeks) to an employee with a non-work injury (ie – sprained ankle, broken bone), but the accommodation must be documented in writing to the employee, specifying the accommodation that is being granted and the end date of the accommodation.

## **Request for Accommodation – Job Applicant**

An applicant for a position at PCC who believes they have a disability requests an accommodation; the request is submitted directly to Human Resources and may be done orally or by email, email or proxy.

HR coordinates reasonable assistance to the applicant when completing and submitting their application and during the selection/interview process.

If an examination is part of the application process, the applicant requests an accommodation for the examination in accordance with processes established by the State of Colorado recruitment and selection rules.

## **Appeals**

If the requestor of an accommodation desires, they may appeal the decision of the ADA Coordinator in writing to:

Pueblo Community College  
Office of the President  
900 West Orman Avenue  
Pueblo, CO 81004  
F 719-549-3333

The decision of the President serves as PCC's final decision on the request.