



## **AP 7348                    Accommodations**

### **References**

- Government Code Sections 12926, 12940, and 12945;
- Labor Code Sections 230 and 1030 et seq.;
- Title 2 Sections 11040 et seq., 11050, et seq., and 11060 et seq.;
- 29 U.S. Code Section 207(r);
- 42 U.S. Code Sections 12101 et seq.;
- 42 U.S. Code Sections 2000e et seq.;
- 29 Code of Federal Regulations Parts 1605.1 et seq.

Absent undue hardship or direct threats to the health and safety of employee(s), the District provides employment-related reasonable accommodations to:

- qualified individuals with disabilities, both applicants, to provide for a fair competitive process, and employees, to enable them to perform essential job functions;
- employees with conditions related to pregnancy, childbirth, or a related medical condition, if so requested, and with the advice of a healthcare provider;
- employee-victims of domestic violence, sexual assault, or stalking to promote the safety of the employee victim while at work; and
- employees who request reasonable accommodation to address a conflict between religious belief or observance and any employment requirement.

### **For Disabilities:**

The District has an affirmative duty to provide reasonable accommodations to applicants or employees with disabilities unless the timely, good faith interactive process reveals that there is no reasonable accommodation that will allow the applicants or employees to perform essential job functions without causing the agency undue hardship or without presenting a direct threat to the health and safety of themselves or others.

### **For Medical Conditions Related to Pregnancy:**

The District must provide an interactive process to assess reasonable accommodations, in addition to leave rights, to employees disabled by pregnancy and related medical conditions.



**For Victims of Domestic Violence, Sexual Assault, or Stalking:**

The District also has an affirmative duty to provide reasonable accommodations to employee-victims of domestic violence, sexual assault, or stalking that would protect the safety of the employee-victim while at work. As is the case with disability-related accommodations, the law requires a timely, good faith interactive process. The goal is to identify safety-related accommodations that do not cause undue hardship and that do not compromise the safety and health of all employees. Like the interactive process for disabilities, the agency has the duty to restart the interactive process if the employee requests new accommodation(s) due to changed circumstances.

**For Religious Belief or Observance:**

The District will provide a reasonable accommodation for employees' recognized religions as well as beliefs, observances, or practices, including religious dress or grooming practices, which an individual sincerely holds and which occupy in their lives a place of importance parallel to that of recognized religions unless undue hardship can be proven. The interactive process will be used to determine whether reasonable accommodations can be identified and will also serve as evidence that the District explored any available reasonable alternative means of accommodating the religious belief or observance.

**Lactation Accommodation**

Employees who wish to express breast milk for the employees' nursing child during their scheduled work day, may do so. The break time shall, if possible, run concurrently with any break time already provided to the employee. Additionally, the employee will receive additional unpaid time beyond the 15-minute compensated rest period, if necessary. Employees desiring to take lactation breaks must inform their supervisor and set a schedule, if possible. Once a lactation break begins, the break should not be interrupted except for emergency or exigent circumstances.

All other employees, including faculty members and managers, will also be provided with lactation accommodations as prescribed by state and federal law. Faculty members shall work with their department chairs or deans to establish a work schedule that accommodates lactation needs.

The District will make reasonable efforts to accommodate employees by providing an appropriate location to express milk in a private area that is shielded from view and free from intrusion from coworkers and the public. The District will attempt to find a location in close proximity to the employee's work area, and the location will be other than a



restroom. Employees occupying such private areas shall either secure the door or otherwise make it clear to others through signage that the area is occupied and should not be disturbed. All other employees should avoid interrupting an employee during an authorized break under this section, except to announce an emergency or other urgent circumstances.

Any employee storing expressed milk in any authorized refrigerated area within the work area shall clearly label it as such. No expressed milk shall be stored in the work area beyond the employee's workday.

This procedure does not infringe on any right to breast-feed in public pursuant to Section 43.3 of the Civil Code or any other law.

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