

District Counter Proposal 4
April 18, 2025

ARTICLE 25: REASONABLE ACCOMMODATION

When an employee requests an accommodation pursuant to the ADA, the Fair Employment and Housing Act, and any other applicable laws, the District shall ~~follow its established procedures regarding reasonable accommodations for employees with disabilities.~~ start the interactive process as soon as practicable. [District agrees to AFT language.] ~~immediately meet with the employee and, at the written request of the employee, with the employee's Union representative, as part of the interactive process.~~ The District shall ~~make~~ ~~shall~~ identify the ~~provide a designated~~ position(s), including contact information, publicly available on its website, ~~for whom employees can contact to request an accommodation pursuant to the ADA and/or FEHA. An employee's written request for accommodations shall be addressed to <District designated HR position>. In the event there is not a resolution after 10 working days,~~ Upon receipt of an inquiry from an employee, ~~t~~ The District ~~shall~~ will inform the employee ~~and the representative~~ of the status of the employee's request for an accommodation within 10 working days. ~~within in accordance with the District's established procedures. 10 working days along with a timeline for resolution.~~ engage in the interactive process, ~~and~~ The District shall inform the employee ~~and the Union~~ of the resolution of the request in writing.

At the employee's request, a Union representative may be involved in the process, including any meetings with District representatives. [District agrees to AFT language.]

~~[The sentence below was moved from the end of the first paragraph to here]~~

As necessary, and on a case-by-case basis, the District ~~shall~~ will meet with the employee ~~and Union representative~~ to review ~~any concerns regarding the effectiveness of the implemented problems concerning~~ reasonable accommodation.

~~If the employee is unable to perform work duties in the absence of reasonable accommodations, they shall not need to use sick days or otherwise be penalized for their inability to perform work duties due to the lack of accommodation until the request for accommodation is resolved.~~

~~While waiting for an accommodation request to be resolved, if the employee is unable to perform their duties, they shall not:~~

~~A. be required to use sick leave; or~~

~~B. be penalized (for example, in performance evaluations or rehire rights).~~