



**Kern Community College District
District Administrative Procedure
Chapter 7 – Human Resources**

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 subdivision (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.

Disabilities:

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 and employees, to enable them to perform essential job functions;
- employees with conditions related to pregnancy, childbirth, or a related medical condition, if she so requests, and with the advice of her health care 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.

Accommodations 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 applicant or employee to perform essential job functions without causing the District undue hardship or without presenting a direct threat to the health and safety of himself/herself/themselves or others.

The District shall request reasonable documentation confirming the existence of a disability, the need for a reasonable accommodation, and the functional limitations or

work restrictions that apply to the employee's ability to perform the essential functions of the job. If an employee or applicant provides documentation that does not confirm the existence of a disability, the need for a reasonable accommodation, or his/her/their functional limitations in performing essential job functions, then the District will explain why the documentation is insufficient and allow the applicant or employee to provide a timely supplement.

Accommodations for Pregnancy and Related Medical Conditions:

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.

Victims of Domestic Violence, Sexual Assault, or Stalking:

The District 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.

Lactation Accommodation

Employees have the right to request lactation accommodation, and should make the request to their location college or district Human Resources Director. The college or district Human Resources Director will respond to the request.

An overtime-eligible employee who wishes to express breast milk for her infant child during her scheduled work hours will receive additional unpaid time beyond the 15-minute compensated rest period. Breaks may be reasonably delayed if they would seriously disrupt operations. Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

The District will make reasonable efforts to accommodate employees by providing an appropriate location to express milk in private. 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 bathroom. The location shall contain a surface to place a breast pump and personal items, a place to sit, and have access to electricity or alternative devices, including, but not limited to, extension cords or charging stations, needed to operate an electric or battery-powered breast pump. Access to a sink with running water and a refrigerator or other suitable cooling device suitable for storing milk in close proximity to the employee's workspace will also be provided.

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 circumstance.

Employees may file a complaint with the Labor Commissioner for any alleged violation of Labor Code Sections 1030 et seq., which governs lactations accommodations.