

REASONABLE ACCOMMODATION GUIDELINES



Reasonable Accommodation Guidelines

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Reasonable Accommodation Guidelines

These guidelines shall be used in conjunction with the CAL FIRE Reasonable Accommodation Policy, which is contained in [Section 1970](#) of the CAL FIRE Workers' Compensation Procedures Handbook and the CAL FIRE Reasonable Accommodation (RA) Process Flow Chart. Individuals inquiring about RA shall be referred to the policy and these guidelines. The material can be accessed on the CAL FIRE Intranet under Reasonable Accommodation or obtained from any supervisor or the RAC in OSHPros.

ROLES AND RESPONSIBILITIES

1. **Current Employees** are responsible for the following:

- Identifying the need for and requesting RA, either verbally or in writing.
- Providing their treating physician the Request for Reasonable Accommodation (PO-108) and the following job information necessary to make a valid medical recommendation:
 - Essential Functions Duty Statement – PO-199;
 - [State Personnel Board Class Specification](#); and
 - For Unit 8 classes, a CAL FIRE Physical/Mental Stress Job Description regarding the extent, if any, of the job-related functional limitations within the context of providing a RA that will allow the employee to perform the essential functions of their job.
- Submitting a completed Request for Reasonable Accommodation Form ([PO-108](#)) to the RAC. The form must be completed by both the employee and the employee's treating physician.
- Participating in good faith in the interactive process with CAL FIRE to determine the most effective accommodation.

2. **CAL FIRE Supervisors** are responsible for the following:

- Providing employee with PO-108, current copy of PO-199, and class specification for the employee's position (Stress Duty Statement provided for BU-8 employees), and referring them to the policy and these guidelines.
- Forwarding a completed PO-108 to the RAC in OSHPros within one working day of receipt from the employee.

- Collaborating with the Unit Administrative Officer (AO), Region Return-to-Work Coordinator (RTWC) (if Workers' Comp related), and the RAC in OSHPros on requests for RA.
- Assisting employees with disabilities in initiating RA requests.
- Inquiring whether the employee is in need of RA, only if an employee with a known disability is having difficulty performing his or her job. These inquiries should be conducted privately and kept confidential.
- Ensuring the implementation of the recommended accommodation and continued interaction with the employee to ensure the accommodation is effective and monitoring the employee's compliance with any medical restrictions.
- Maintaining the employee's privacy by keeping the request confidential.

3. Region RTWCs are responsible for the following:

- Providing original copies of relevant documentation to the RAC on all RA requests.
- Collaborating with the RAC.

4. Classification and Pay Unit is responsible for the following:

- Providing a list of appropriate vacant positions within CAL FIRE and other departments in state service, as requested.
- Providing consultation and job analysis for positions, as requested.
- Assisting the RAC in identifying the essential functions if there is not an Essential Functions Duty Statement (PO-199) on file.

5. The Reasonable Accommodation Coordinator in OSHPros is responsible for the following:

- Notifying or acknowledging to the supervisor that a request for RA has been received.
- Ensuring that procedural requirements and timeframes are met in the processing of requests for RA submitted by current employees, and providing the final written responses to employees within the Departmental timeframes.

- Ensuring that the information submitted by the employee and his or her treating physician (regarding the employee's specific limitations and how the requested accommodation would enable the employee to perform the essential functions of the job) is sufficient to enable the Department to make a determination.
- Consulting with the employee (in conjunction with the supervisor and the Unit AO, when appropriate) regarding what accommodation would best allow him or her to perform the essential functions of the position.
- Coordinating and informing the supervisor and RTWC on any placement decisions.
- Maintaining thorough knowledge of applicable policies, rules, and laws and applying these provisions fairly in making recommendations in response to RA requests.
- Interpreting RA policy and procedures and providing technical assistance and information to CAL FIRE staff.
- Retaining on file the CAL FIRE PO-108 and all documentation pertaining to requests for RA in a separate, secure area. Provide staff assistance to the Legal Office or EEO Office for Reasonable Accommodation Appeal Hearings.
- Collecting and maintaining the number and disposition of RA requests on a department-wide basis for quarterly and yearly program/analysis reports.

6. Labor Relations Office:

- Provides consultation for RA requests involving applicability of [MOU collective bargaining provisions](#).

7. Equal Employment Opportunity Office:

- Acts on complaints alleging violations of state law.

8. State Personnel Board (SPB):

- Reviews and acts on complaints alleging violations of state law.

9. State Department of Fair Employment and Housing (DFEH):

- Reviews and acts on complaints alleging violations of state law.

10. U.S. Equal Employment Opportunity Commission (EEOC):

- Reviews and acts on complaints alleging violations of federal law.

REQUESTING REASONABLE ACCOMMODATION - CURRENT EMPLOYEES

1. Submitting a Request

The employee must express the need for RA with his or her supervisor either verbally or in writing. The supervisor shall provide the employee with the CAL FIRE Reasonable Accommodation Request Form ([PO-108](#)); the Essential Functions Duty Statement (PO-199) for the position; the [State Personnel Board Classification Specification](#) for his or her class; and (for Unit 8 safety employees) the Physical/Mental Stress Job Description Form. The supervisor shall immediately notify the AO or RAC that RA paperwork has been provided.

The employee must complete the Reasonable Accommodation Request Form ([PO-108](#)) Part 1 and the top portion of Part 2 which includes a description of his or her limitations; the type of accommodation being requested; a description of how this accommodation will allow him or her to perform the essential functions of the position; and authorization for the physician to release medical information. The employee must submit this form, along with the Essential Function Duty Statement, [State Personnel Board Class Specification](#), and Physical/Mental Stress Job Description (if applicable) to his or her treating physician to assist them in determining the extent, if any, of the job-related functional limitations within the context of providing RA that would allow the employee to perform the essential functions of their job.

2. Processing a Request

The supervisor must fax or mail a copy of the completed [PO-108](#) to the RAC in OSHPros. The supervisor should also forward the original directly to the RAC within 1 working day. Upon receipt of the completed PO-108, the RAC in OSHPros will begin the evaluation process.

All RA requests must be treated in a confidential manner. Any medical information submitted by the employee must be routed directly to the RAC in OSHPros for proper handling. Only the job-related functional limitations shall be discussed with the direct supervisor, Unit/Region Chief, Unit/Region RTWC, and/or the Unit or Region A/O.

The Confidentiality of Medical Information Act ([California Civil Code § 56 et seq.](#)) regulates the disclosure of medical information, including personal health information protected under HIPAA, by State agencies. Furthermore, the Information Practices Act of 1977 ([California Civil Code §1798 et seq.](#)), provides for disciplinary, civil, and criminal penalties for misuse of an employee’s personal and medical information.

Note: Do not make copies of any medical information!

When an employee requests RA, both the Department and the employee must engage in the “Interactive Process” (as set forth in CAL FIRE policy section 1970.11). Meetings with the employee will be conducted by the RAC in OSHPros.

Interactive meetings shall be conducted at a time and place convenient for the employee, either face-to-face or by telephone. The meetings should be informal, but detailed notes must be kept in order to have a record of the process. It is a good idea to confirm information and agreements from discussions in writing to avoid any misunderstandings. Provide a copy of all relevant documentation to the RAC in OSHPros. To ensure adherence to the Confidentiality of Medical Information Act, the RAC will collaborate on requests that require medical information.

The duty to engage in the interactive process extends beyond the first attempt at RA and continues when the employee asks for a different accommodation or the Department becomes aware that the initial accommodation is failing and that further accommodation is needed.

3. Time Frames

The RAC **must** provide the employee with a written response **within 30 calendar days** of the receipt of the written request for RA. The written response may be an interim status report; sent when additional time is required to gather the facts needed to make a final determination. The Department will make every effort to reach a final decision in a timely manner. The OSHPros manager will provide the final written Departmental responses for all RA requests.

ROLES AND RESPONSIBILITIES - EXAMINATION APPLICANTS

1. Examination Applicants are responsible for the following:

- Identifying the need for and requesting RA on the Examination Application ([Std. Form 678](#)).

- Completing the Special Testing Arrangement Questionnaire for Applicants with Disabilities (Form SPB 351) and providing verification of disability if needed.
 - Participating in good faith in the interactive process with CAL FIRE to determine the most appropriate accommodation.
- 2. Headquarters Human Resources Examination Unit staff** are responsible for reviewing requests for RA in the examination process and providing the applicant with a written decision within 10 working days after the application has been approved for admittance to the examination.

REQUESTING REASONABLE ACCOMMODATION – EXAMINATION APPLICANTS

1. Submitting a Request

Applicants must identify in Section 2B of the Examination Application Form ([Std. 678](#)). [Exception: Applicants for Fire Fighter I must identify the request for RA in Section 1 of the Fire Fighter Application For Employment ([CAL FIRE 215](#)).] A Special Testing Arrangements Questionnaire will be provided by the Examination Unit. RA in the Fire Fighter I pre-employment selection process is discussed below.

2. Processing a Request

The application will first be reviewed by the examination analyst in the CAL FIRE Headquarters Human Resources Office to determine if the applicant meets the minimum requirements for admittance to the examination. If the applicant meets the minimum requirements, the examination analyst will forward the request for RA to the RAC. If more information is needed, the RAC will mail the Disabled Applicant Special Testing Arrangement Questionnaire Form SPB-351 to the applicant.

After the completed questionnaire is returned to the RAC, or if no further information was initially needed, the RAC will review the request and determine whether the RA can be granted.

If the request for RA is approved, the RAC will work with the Examinations Manager to implement the RA in the examination process. If the request for RA is denied, the RAC shall inform the Examinations Manager who will inform the applicant, in writing, of the process for appealing the Department's decision.

For Fire Fighter I applicants requiring RA in the pre-employment selection process, the evaluation of the request for RA will be coordinated by the Unit Fire Fighter I Coordinator. The Unit Fire Fighter I Coordinator will

follow the procedures and time frames and will coordinate with the hiring panel as necessary.

3. Time Frames

The Examinations Manager must provide the applicant with a written decision within 10 working days after the application has been approved for admittance to the examination. However, if the request cannot be thoroughly evaluated within the 10 day time frame due to the need for more information, the examination analyst must notify the applicant within the 10 day time frame. The notification shall be in writing and include the approximate date a final response will be made. The RAC must make every effort to reach a decision in a timely manner.

APPEALS

If CAL FIRE denies the request for RA or does not respond in writing to the request within the designated period as described above and set forth in CAL FIRE policy section 1970.14, the qualified individual may file a complaint of discrimination with CAL FIRE's Equal Employment Opportunity (EEO) Office following the process outlined in CAL FIRE policy section 1422, Internal EEO Complaint Process, within one year of the alleged discrimination or the failure to act. The CAL FIRE EEO Office has 90 days to respond to a complaint of discrimination. The employee may then file a complaint with the State Personnel Board (SPB) within 30 days of the response.

The employee also has the right to file concurrent complaints of discrimination with the California Department of Fair Employment and Housing (DFEH) and the Federal Equal Employment Opportunity Commission (EEOC). Contact information for these agencies is:

SPB (916) 653-0799 or <http://spb.ca.gov/appeals/info.aspx>

DFEH (800) 884-1684 or via email at contact.center@dfeh.ca.gov

EEOC (800) 669-4000 or <http://www.eeoc.gov/employees/howtofile.cfm>

Link to [PO-108](#) Reasonable Accommodation Request