

Commission on State Mandates

POLICIES AND PROCEDURES	
SUBJECT: Reasonable Accommodation (Disability)	DATE ORIGINATED: 2/10/2026
AFFECTED STAFF: Staff	
AUTHORITY: <p>California Fair Employment and Housing Act; Americans with Disabilities Act; Section 503 of the Rehabilitation Act of 1973; Section 504 of the Rehabilitation Act of 1973; Government Code Section 19790; State Contracting Manual Vol. 2, 3, and F, Ch. 2 – Procurement Planning; Vol. F, Ch. 1.</p>	
SIGNATURE: Juliana Gmur, Executive Director 	

I. Policy

It is the policy of the Commission on State Mandates (Commission) to provide reasonable accommodations to qualified individuals with disabilities, unless doing so would result in an undue hardship to the agency or compromise the essential functions of the position. The Commission is committed to ensuring all employees and job applicants are treated fairly, equitably, and without discrimination.

II. Definition of Reasonable Accommodation

A reasonable accommodation is any modification or adjustment to the work environment, job application process, or the way a job is typically performed that enables an individual with a disability to perform the essential functions of their job or participate in the application process. Reasonable accommodations may include, but are not limited to:

- Modifications to the work environment (e.g., ergonomic workstation adjustments, accessible parking).
- Flexible work schedules (e.g., modified work hours, part-time options, telecommuting).

- Assistive technology or equipment (e.g., screen readers, hearing aids).
- Job restructuring or reassignment to a vacant position if the individual cannot perform the essential functions of their current role.
- Modification of training materials or policies.
- Provision of qualified sign language interpreters or other communication aids.

Each accommodation will be determined on a case-by-case basis and may vary depending on the employee's or applicant's needs and the nature of the work.

III. Eligibility for Accommodation

Employees and applicants with a disability are eligible for a reasonable accommodation. A disability is defined as a physical or mental impairment that substantially limits one or more major life activities.

In the case of an applicant, an accommodation may be provided during the application, interview, and testing process. If the applicant or employee wishes, a third party (such as a family member, health care professional, or other representative) may make a reasonable accommodation request on behalf of an applicant or employee. A third party may participate with the employee in the interactive process.

For current employees, accommodations may be requested to perform the essential duties of the job.

IV. Requesting Reasonable Accommodation

Employees or job applicants seeking reasonable accommodations are encouraged to make their request as soon as possible. Requests for accommodations can be made to the employee's immediate supervisor. The request can be made verbally or in writing and should include the nature of the disability and the type of accommodation sought.

For applicants, requests should be made at any point during the application or interview process.

The term "reasonable accommodation" does not need to be used to initiate a request.

V. Interactive Process

Upon receiving a request for accommodation, the Commission will initiate an interactive process in which the employee or applicant and the agency will work together to identify the need for accommodation and explore possible solutions. The interactive process may involve:

- A discussion of the individual's specific disability-related needs.
- Evaluation of the job requirements.
- Exploration of possible accommodations.
- Consideration of the impact on job performance or essential functions.

This process is collaborative and must respect the privacy of the individual's disability-related information.

VI. Medical Certification

The Commission may request certification from a qualified health care provider, verifying that an accommodation is necessary when the applicant's or employee's disability or need for accommodation is not apparent or known to the Commission. It is the applicant's or employee's responsibility to provide appropriate medical information related to the limitations and the requested accommodation.

The Commission will provide a copy of the employee's duty statement to share with their health care provider. The medical certification shall address, in writing, the following:

- Verify the employee has a disability (not the diagnosis).
- Describe how the employee's limitations interfere with their ability to perform the duties of the job.
- Indicate whether these limitations are temporary or permanent. If temporary, state the anticipated start and end date of the limitations.
- Recommend specific reasonable accommodation(s).

The Commission can request additional relevant medical information if the information submitted does not clearly explain the limitations or the need for the accommodation. The health care provider should clarify how the requested accommodation will assist the employee in performing the essential functions of the job, access the workplace, or enjoy the benefits and privileges of employment.

VII. Reasonable Accommodation Request Denial

Undue hardship and direct threat are the only legitimate reasons for denying a reasonable accommodation request from a qualified applicant or employee with a disability.

A. Undue Hardship

Undue hardship includes any action that is unduly costly, substantial, disruptive, or that would fundamentally alter the nature of operations. Factors that must be considered in determining undue hardship include:

- Overall size of the Commission with respect to the number of employees, number and types of facilities, and the size of the overall budget.
- Type of operation, including the composition, structure, and functions of the Commission's workforce.
- Nature and cost of the accommodation.

B. Direct Threat

Direct threat is a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation. The determination that an individual poses a direct threat shall be based on a case-by-case assessment of the individual's present ability to safely perform the essential functions of the job. This assessment shall be based on a

reasonable medical judgment that relies on the most current medical knowledge and/or on the best available objective evidence. In determining a direct threat, the factors to consider include:

- Duration of the risk.
- Nature and severity of the potential harm.
- Likelihood that the potential harm will occur.
- Imminence of the potential harm.
- Any relevant information about an employee's past work history.

VIII. Complaints And Appeals

Applicants and employees may file a discrimination complaint with the Commission's EEO Officer (the Assistant Executive Director) regarding a denial of reasonable accommodation. Applicants and employees may also file a complaint with the State Personnel Board (SPB), California Civil Rights Department (CRD), and with the United States Equal Employment Opportunity Commission (EEOC) regarding denial of reasonable accommodation. The SPB, CRD, and EEOC have different statutes of limitations and it is the applicant's or employee's responsibility to file the complaint within the regulatory agency's respective timeframes.

IX. Retaliation

Retaliation against any employee or applicant who requests a reasonable accommodation or participates in the accommodation process is strictly prohibited. Employees have the right to request accommodations without fear of adverse employment action, including but not limited to dismissal, demotion, or harassment.

X. Reasonable Accommodation Coordinator

The Commission's Reasonable Accommodation Coordinator is the Assistant Executive Director. The Assistant Executive Director shall serve as the primary point of contact and subject matter expert on reasonable accommodation matters.

The Reasonable Accommodation Coordinator shall be responsible for:

- Maintaining the reasonable accommodation policy, forms, and other documents related to the administration of the reasonable accommodation process.
- Providing training, information, and relevant resources to participants in the reasonable accommodation process.
- Leading the reasonable accommodation interactive process, which includes:
 - Providing information regarding the reasonable accommodation process to applicants, employees, supervisors, managers, and other relevant participants in the reasonable accommodation process.
 - Acknowledging receipt of an applicant or employee's accommodation request.

- Requesting relevant information or certification from the applicant, employee, or other relevant participants in the reasonable accommodation process.
- Analyzing the requested accommodation.
- Proposing alternative solutions when necessary.
- Coordinating with the Reasonable Accommodation Procurement Coordinator on the acquisition of approved reasonable accommodation equipment.
- Ensuring effective implementation of approved accommodations.
- Formally notifying the applicant or employee of the approval or denial of the reasonable accommodation request, including applicable complaint and appeal rights.

XI. Reasonable Accommodation Procurement Coordinator

The Assistant Executive Director is the Commission's Reasonable Accommodation Procurement Coordinator who is responsible for the following activities:

- Receive Reasonable Accommodation acquisition requests.
- Ensure Reasonable Accommodation acquisitions are expedited.
- Track Reasonable Accommodation acquisitions to ensure the acquisition is expedited and that the goods or services are delivered timely.
- Evaluate and recommend internal procurement procedures to expedite acquisitions.
- Participate in training as required by the DGS.
- Ensure that Reasonable Accommodation acquisitions are accurately reported in the Financial Institution System for California (FI\$Cal) database.

XII. Policy Distribution

This policy shall be disseminated in electronic form to all new employees regardless of appointment status. A current version of the policy shall be posted on the internet for job applicants and on the breakroom notice board for existing employees. The electronic versions of the policy and related materials shall be accessible to and useable by persons with disabilities. The reasonable accommodation policy shall be provided in alternate formats upon request.

XIII. Record Retention

Reasonable accommodation records are confidential, shared only on a need-to-know basis, and shall be retained for the duration required by the Commission's records retention policy. An employee's reasonable accommodation records shall be stored separately from the employee's Official Personnel Files.

Contact

Questions regarding this policy should be directed to the Assistant Executive Director.

Acknowledgement

I acknowledge that I have received and read the above policy.

Signature: _____ Date: _____