



RANCHO SANTIAGO COMMUNITY COLLEGE DISTRICT
HUMAN RESOURCES COMMITTEE

February 14, 2024

Via Zoom: <https://rscsd-edu.zoom.us/j/81930810697>

Meeting ID #819 3081 0697

3:30 – 5:00 p.m.

AGENDA

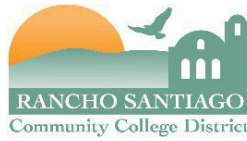
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| 1. Welcome | Winter |
| 2. Approval of Minutes – ACTION
a. November 08, 2023 Meeting | Winter |
| 3. Draft AR 7331 Reasonable Accommodation(s) for Employees/Applicants | Winter |
| 4. Draft AR 7349 Lactation Accommodations for Employees | Winter |

Next Meeting:

Wednesday, March 13, 2024

3:30 – 5:00 p.m.

The mission of the Rancho Santiago Community College District is to provide quality educational programs and services that address the needs of our diverse students and communities.



**HUMAN RESOURCES COMMITTEE
(HRC)**

Via Zoom – District Office

3:30 – 5:00 p.m.

Minutes for November 08, 2023

Members Present: Morrie Barembaum, Rene Beiza, Sil Han Jin, Dr. Jeannie Kim, Dr. Jeffrey Lamb, Charlie Malone, Dr. Annebelle Nery, Dr. Jason Parks, Denise Salcido, Nancy Tanner, Dr. Merari Weber, Alistair Winter and John Zarske

Members Absent: Dr. Mikaila Brown, Zina Edwards, Maria Garcia,

Guests: Emelyne Camacho, Jenna Cooper, Janet Cruz Teposte, Victor Negrón

1. Welcome

The meeting was called to order at 3:34 p.m. Mr. Winter led the meeting.

2. Approval of the Minutes from October 11, 2023 Meeting-ACTION

It was moved by Ms. Salcido and seconded by Mr. Zarske to approve the October 11, 2023 minutes. There were abstentions from Dr. Kim, Dr. Parks, Mr. Malone, Mr. Barembaum and Mr. Beiza. The motion passed.

3. Faculty Obligation Number (FON) – INFORMATION

Mr. Winter reviewed the FON report with the committee. Rancho Santiago Community College District is significantly over FON compliance by 52. Dr. Nery stated that are seventeen (17) faculty projected to be hired at Santa Ana College (SAC) next year. The SAC College Council will make a recommendation. Dr. Kim stated that Santiago Canyon College may fund six (6) full-time faculty at the beginning of fall 2024. The RSCCD Recruiting staff will be attending two job fairs, one at LAX and the other in San Francisco to recruit faculty.

4. Office of Diversity, Equity, and Inclusion (ODEI) Update – INFORMATION

Mr. Winter introduced Emelyne Camacho, ODEI Coordinator and Jazz, Hudson short-term ODEI Coordinator. Ms. Camacho provided an ODEI project update with a PowerPoint presentation. Some of the projects that have been worked on are the expansion of the Rancho Academy, EEO and K-16 Grant, Diversity Report, Climate Survey, Affinity Group Events for employees, District-wide communication, rebranding and Professional Development. Rancho Academy is a 10-week program that recruits part-time instructors for RSCCD. It is for diverse and equity-minded instructors. The first job fair hired 81% of the Rancho Academy faculty and had a 75% hiring rate at the October 27th SCC job fair.

RSCCD will hold an Equal Employment Opportunity (EEO) Summit. It will be a one day summit for staff who serve on hiring committees. Staff will review updated EEO and inclusive hiring practices and Title IX and ODEI staff will participate in a panel discussion.

Dr. Nery stated that she received the EEO Plan and the demographics of those who have been hired. She made a request to see the demographics of those who applied, the demographics of first and second interviews and the demographics of those who got the job. Dr. Kim would like the same information for SCC but for all employees. Also, she would like 5 years of historical data.

5. Other

- Mr. Winter will have the historical data of FON at the next meeting. Dr. Kim would like five years of historical data and Dr. Weber would like the data of Classified staff to Faculty.

Adjourned at 4:38 p.m.

Next HRC Meeting:

Wednesday, December 13, 2023 Via Zoom, 3:30 – 5:00 p.m.

Rancho Santiago Community College District
ADMINISTRATIVE REGULATION
Chapter 7
Human Resources

REASONABLE ACCOMMODATION(S) FOR EMPLOYEES/APPLICANTS AR 7331

I. REQUEST FOR REASONABLE ACCOMMODATIONS

A reasonable accommodation is an adjustment or change concerning some aspect of the application process, the job, or a benefit of employment that allows an individual who is qualified for the job to perform the essential functions of that job and enjoy equal employment opportunities.

A. Identifying Requests for Reasonable Accommodation

An individual may provide notification of their request for reasonable accommodation by submitting documentation from the individual directly and/or from the individual's health care provider. An individual may request a reasonable accommodation at any time, orally or in writing. A request for an accommodation may also be made by a representative of the individual (e.g. family member). If the request is received through a third party, the request should be confirmed with the individual who needs the reasonable accommodation.

All requests for reasonable accommodation must be submitted to the Director, Workplace Safety & Risk Management, who will initiate and manage the interactive accommodation process and ensure that an appropriate accommodation is provided that meets the individual's disability-related needs and enables the individual to fully and safely perform the essential functions of the position.

An accommodation request does not have to include any special words, such as "reasonable accommodation," "disability," or "ADA." A request is any communication in which an individual asks or states that the individual needs a change because of a medical condition. A manager, recruiter or the ADA Compliance and Leave Administration Manager needs to ask an individual whether they are requesting a reasonable accommodation if the nature of the initial communication is unclear.

Each request for reasonable accommodation will be handled on a case-by-case basis, to accommodate the individual's specific functional limitation(s).

B. The Interactive Process

A request for reasonable accommodation will initiate the Interactive Process. The Interactive Process requires timely communication and good-faith exploration of possible accommodations between the District and the individual in need of reasonable accommodation. The shared goal is to identify an accommodation that allows the individual safely and fully perform their job functions.

The Director Workplace Safety & Risk Management will manage and respond to requests for reasonable accommodations as soon as feasible.

In the case of accommodations for applicants or candidates, staff in recruitment will consult with Director Workplace Safety & Risk Management, and the process would be an

especially high priority and begin immediately upon request so that the individual does not miss the opportunity to compete for the job.

A robust interactive process frequently requires input from the department manager, the individual and/or the individual's health care provider. Other departments, a third-party vendor, as well as outside disability-related organizations, may be consulted depending on the type of request sought. The consulting with the affected parties may occur via email, and or telephone and does not require in-person meetings.

If the disability or need for accommodation is obvious or adequate medical documentation has already been provided for other reasons (i.e. Family Medical Leave Act, Workers Compensation), no medical documentation will be required.

C. Health Care Provider Certification

When the disability or need for accommodation is not obvious, the individual will be asked to provide a written statement from their health care provider. The ADA Compliance and Leave Administration Manager may also give the individual a health care provider questionnaire, which includes a list of questions to give to the health care provider or other appropriate professional to answer. The health care provider should be provided with the individual's job description, when available, in order to have an informed opinion as to any accommodations that will both meet the job requirements, and help to maintain positive health.

Information that should be included in the health care provider's statement include:

- i. Verification that the individual has a disability;
- ii. What the individual's work restrictions or functional limitations are;
- iii. Recommendations for specific reasonable accommodation(s); and
- iv. Indication of whether the limitations are temporary or permanent; if the functional limitations are temporary, a time frame for when they are expected to end must be provided.

The District will not request, nor can it receive, any protected or private medical information from the individual or their health care provider that relates to medical diagnosis, treatment plan, medications or genetic information of the individual or family member.

D. Fitness for Duty Examination

If sufficient medical information is not provided by the individual after several attempts, the ADA states that the District has the right to coordinate a Fitness for Duty Examination with a qualified Occupational Medicine Physician, Psychologist, or Psychiatrist for any of the following reasons:

- i. It is job related.
- ii. It is consistent with business necessity.
- iii. If the District reasonably believes that the individual's condition may prevent them from performing the essential functions of the job.

- iv. If the individual poses a direct threat to their own safety or the safety of others.

When a Fitness for Duty Examination is being coordinated, the individual is obligated to cooperate with the process. A failure to do so could result in delayed consideration of a request or in its denial. Fitness for duty examinations must be authorized by the Vice Chancellor, Human Resources.

E. Assessing Options for Reasonable Accommodation

After a request for accommodation has been made, and if need be, confirmed by a health care provider, the next step in the interactive accommodation process is to determine what, if any, reasonable accommodation should be provided. During the interactive process, the Director Workplace Safety & Risk Management will support the individual requesting the accommodation and make collaborative efforts with the individual's manager, Human Resources, and, if requested, a representative selected by the employee, to determine the most effective reasonable accommodations to implement.

The interactive process and accommodation discussion shall include:

- i. Reviewing the individual's job description and the essential functions of their position.
- ii. Reviewing the individual's work restrictions or limitations that need reasonable accommodation.
- iii. Having an open discussion about what accommodation solution(s) may support the individual in successfully meeting the requirements of the job.

F. Determination of Reasonable Accommodation

An accommodation is deemed reasonable under the ADA if the accommodation does not pose a safety concern to the individual or others or cause an undue hardship. A reasonable accommodation should support the individual in safely performing the essential functions of their position.

Some accommodations are implemented on a long-term basis, while other accommodations may last for only a temporary period. Every situation is unique and dependent on the individual's limitations, restrictions, specific accommodation needs, and the impact the accommodation will have on job performance and business operations.

Implementing a temporary accommodation offers the opportunity to evaluate an accommodation for its effectiveness before making the decision to implement the change on a long-term basis.

When a temporary accommodation is implemented, the individual will be required to submit updated health care provider documentation by the end date for the temporary work restrictions, and the accommodations being provided will be re-assessed for their effectiveness in supporting the individual's recovery and in safely performing their job duties.

If a reasonable accommodation is approved and implemented and is no longer effective, then the interactive process will be re-assessed.

If a request for accommodation is denied, the denial and reason for the denial will be communicated to the individual requesting the accommodation during the interactive process. The District will continue to explore additional options for accommodations for example, alternative work or a leave of absence accommodation.

II. LACTATION ACCOMMODATION

The District has a separate Administrative Regulation for lactation accommodations.

III. DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING ACCOMMODATION

The District will also engage in the interactive process and provide reasonable accommodations to employee-victims of domestic violence, sexual assault, or stalking, that would protect the safety of the employee-victim engaged in district employment or district-related business. 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.

If an individual request an accommodation for their safety, and it relates to being a victim of domestic violence, sexual assault, or stalking, the District may require the individual to provide a written statement regarding the need for the accommodation, and a certification of their status as a victim of domestic violence, sexual assault, or stalking. In addition, the District may request recertification of the documentation after a certain period of time. If circumstances change and the employee needs a new accommodation, the District will restart the interactive process.

IV. RELIGIOUS BELIEF OR OBSERVANCE

Although there are no legal requirements for the District to engage in the interactive process for employees with religious belief or observance, the District will make a good faith effort to provide reasonable accommodations for such requests. Religious creed, religions, religious observance, religious belief and creed include all aspects of religious belief, observance, and practice, including religious dress and grooming practices. Religious dress practice is construed broadly to include the wearing or carrying of religious clothing, head or face coverings, jewelry, artifacts, and any other item that is part of the observance by an individual or their religious creed. An individual or their religious creed construes religious grooming practice broadly to include all forms of head, facial, and body hair that are part of the observance.

References:

Americans with Disabilities Act of 1990 (Pub. L. 101-336) (ADA)
California Fair Employment and Housing Act (FEHA) Government Code 12900-12996
Government Code Sections 12926, 12940, and 12945;
Labor Code Sections 230 and 1030 et seq.;
California Code of Regulations 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.

Rancho Santiago Community College District
ADMINISTRATIVE REGULATION
Chapter 7
Human Resources

AR 7349 LACTATION ACCOMMODATIONS FOR EMPLOYEES

I. GENERAL

The District recognizes the positive benefits of supporting its employees who desire to express breast milk during working hours. This regulation promotes the District's commitment to an employee's right to request lactation accommodations pursuant to state and federal laws.

The District will provide reasonable accommodation for employees who wish to express breast milk for their infant child(ren) during their scheduled work hours. 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.

A. Break Times for Expressing Milk

1. The District will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for their infant child(ren).
2. The break time will, if possible, run concurrently with any break time already provided to the employee.
3. If an employee requires additional breaks beyond their normal scheduled breaks to express breast milk, additional breaks will be provided and deducted from the employee's available and applicable earned leave balance. If the employee has exhausted all applicable leave, unpaid breaks will be provided. Flexible scheduling may also be used for this accommodation, with approval of the employee's supervisor.
4. Employees desiring to take a lactation break must comply with the Lactation Accommodation Request Process as detailed below in Section II.
5. Breaks may be reasonably delayed if they would seriously disrupt operations.
6. Once a break has been approved, the employee's break should not be interrupted except for emergency or exigent circumstances.

B. Lactation Rooms and Access to Facilities

1. The District has several designated lactation rooms, across its campuses and District Services for employees to express milk in private. Locations can be found by contacting the District's Director, Workplace Safety & Risk Management at the District Office.
2. If the District's designated lactation spaces are not a viable option for an employee, the District will provide an employee with an appropriate room or private location for the employee to express breast milk in private. The District will ensure this private room/location, that is not a bathroom, complies with the following:

- a. Will be in close proximity to the employee's work area, and free from intrusion while the employee is expressing breast milk;
 - b. Will be safe, clean, and free of hazardous materials;
 - c. Will have a surface to place a breast pump and personal items;
 - d. Will have a place for the employee to sit; and
 - e. Will 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.
3. Employees occupying a lactation room/location shall either secure the door or otherwise make it clear to others through available signage that the area is occupied and should not be disturbed. All other employees should avoid interrupting an employee who is expressing breast milk during an authorized break under this section, except to announce an emergency or other urgent circumstance.
 4. The District will provide employees with access to a sink with running water and a refrigerator suitable for storing milk in close proximity to the employee's workspace.
 5. If the District cannot provide a refrigerator, the District will provide another cooling device suitable for storing breast milk, such as a cooler.

II. PROCESS FOR LACTATION ACCOMMODATION REQUESTS

A. Employee Requests

1. Employees who would like to request a lactation accommodation, such as break times or a private lactation room, should contact their supervisor or Director, Workplace Safety & Risk Management.
2. Employees requesting a lactation accommodation must submit a "Lactation Accommodation for Employees Agreement" and a "Lactation Accommodation for Employees Request Form."

B. District Response

1. The District will respond to an employee's request for lactation accommodations and initiate the interactive process to assess reasonable accommodations consistent with *Administrative Regulation 7348: Reasonable Accommodations for Employees/Applicants*.

III. NON-RETALIATION

The District strictly prohibits discrimination or retaliation against any employee for exercising or attempting to exercise the rights afforded under this regulation. An aggrieved employee may file a complaint under the procedures set forth in Administrative Regulation 3435: Discrimination and Harassment Investigations and/or with the California Labor Commissioner.

References:

Labor Code Sections 1030, 1031, 1032, 1033, 1034