CHAPTER 9

ACCOMMODATION SERVICES

REVISED SEPTEMBER 2025

TABLE OF CONTENTS

INTRODUCTION 9-3
POLICY 9-3
ROLES AND RESPONSIBILITIES 9-4
- Deputy Commissioner 9-4
- Equal Employment Opportunity Officer 9-4
- Equal Opportunity & Access Section 9-5
- Human Resources Section 9-5
- Selection Standards and Examinations Section 9-6
- Facilities Section 9-6
- Commanders 9-6
- Supervisors and Managers 9-6
- Applicants and Employees 9-7

INTERACTIVE PROCESS 9-7
EXAMPLES OF ACCOMMODATION 9-8
REASONABLE ACCOMMODATION 9-9
- Definition 9-9
- Disability 9-9
- Qualified Individual 9-12
- Reasonable Medical Documentation 9-12
- Essential Functions of the Position 9-13
- Processing Reasonable Accommodation Requests 9-13
- Temporary Accommodation 9-14

ACCOMMODATION DURING THE HIRING PROCESS 9-15
- Examination Accommodation 9-16
- Interview Accommodation 9-16

ACCOMMODATION FOR VICTIM OF A QUALIFYING ACT OF VIOLENCE 9-17
- Processing Victim of a Qualifying Act of Violence Accommodation Requests 9-19

RELIGIOUS ACCOMMODATION 9-20
- Definition 9-20
- Processing Religious Accommodation Requests 9-20

LACTATION ACCOMMODATION 9-21
- Definition 9-21
- Processing Lactation Accommodation Requests 9-22

DENIALS, PARTIAL APPROVALS, OR MODIFICATIONS OF REASONABLE ACCOMMODATION REQUESTS; LACTATION ACCOMMODATION REQUESTS; AND VICTIM OF A QUALIFYING ACT OF VIOLENCE ACCOMMODATION REQUESTS 9-23
DENIALS, PARTIAL APPROVALS, OR MODIFICATIONS OF RELIGIOUS ACCOMMODATION REQUESTS 9-25
APPEALS 9-26
FILING AND RETENTION 9-27
Originating Office 9-27
Equal Opportunity & Access Section 9-27

CHAPTER 9

ACCOMMODATION SERVICES

1. INTRODUCTION.

a. The Department is committed to providing timely and effective accommodations and ensuring the successful administration of the Accommodation Services Program, which consists of reasonable accommodation, religious accommodation, lactation accommodation, and victim of a qualifying act of violence accommodation services.

b. The Department is further committed to employing qualified persons with disabilities. The Department provides applicants and employees with disabilities equal opportunities, access, and participation in all programs, activities, and services provided by the Department. This includes all aspects of recruitment, examination, selection, training, promotion, and other benefits and privileges extended through employment.

c. The purpose of this policy is to set forth the Department's policies and procedures for processing requests for reasonable accommodation, religious accommodation, lactation accommodation, and victim of a qualifying act of violence accommodation; and to ensure supervisors and managers have the necessary information to appropriately address accommodation services.

d. As the Office of Primary Interest (OPI), the Equal Opportunity & Access Section (EOAS) oversees the Accommodation Services Program. The Accommodation Services Coordinator may be contacted by departmental employees for questions or assistance in accessing available accommodation services.

2. POLICY.

a. It is the policy of the Department to provide an internal process regarding accommodations for applicants and employees. An accommodation request may be made by an applicant, employee, family member, health professional, supervisor/manager, or other representative authorized to act on the requesting individual's behalf.

b. The Department shall engage in a timely, good faith, and interactive process with qualified applicants and employees with physical or mental disabilities requesting reasonable accommodation, for applicants and employees with sincerely held religious beliefs requesting religious accommodation, for

employees requesting lactation accommodation, or for victim of a qualifying act of violence accommodation. The Department shall initiate an interactive process when the employer becomes aware of the possible need for an accommodation.

c. The Department shall provide an accommodation to applicants and employees unless the granting of the accommodation would lead to an undue hardship for the Department.

d. The Department shall provide an effective lactation accommodation to employees. The process for lactation accommodation includes providing an appropriate location, adequate break time, and access to specific resources for the sole purpose of the expression of breast milk for the employee's infant child.

e. Each accommodation is confidential, and information shall be disclosed only to personnel who have a "need to know" in making the determination or assisting in the interactive process.

f. The Department prohibits and will promptly address allegations of harassment, discrimination, and retaliation against participants in the reasonable accommodation, religious accommodation, lactation accommodation, or victim of a qualifying act of violence accommodation process.

3. ROLES AND RESPONSIBILITIES. The success of the accommodation process is dependent upon each level in the approval process responding in a timely manner.

a. Deputy Commissioner. The Deputy Commissioner is responsible for reviewing accommodations which have been appealed, ensuring all facts relevant to the accommodation have been gathered. The Deputy Commissioner is the final level of review for appeals and will render a final decision for accommodation appeals filed by an applicant or employee.

b. Equal Employment Opportunity Officer. The Equal Employment Opportunity (EEO) officer shall be appointed by the Commissioner, and reports EEO-related matters to the Commissioner. However, the EEO officer may receive functional direction from the Deputy Commissioner.

(1) The role of the EEO officer is to provide oversight of the Department's EEO programs, including accommodation services.

(2) The EEO officer confers with the EOAS, and the Department's Office of Legal Affairs as necessary, on all requests for accommodation.

(3) The EEO officer is the final level of review and final decision maker for all requests for accommodation.

(4) Upon review and decision by the EEO officer, the EOAS shall e-mail the memorandum of decision to the employee requesting the accommodation, with a copy to the commander.

c. Equal Opportunity & Access Section. The EOAS is designated to process accommodation requests and is responsible for:

(1) Maintaining a commitment to a timely, good faith, and interactive process.

(2) Acknowledging receipt of an accommodation request.

(3) Requesting relevant information or certification from the employee, applicant, or other relevant participants in the accommodation process.

(4) Reviewing and assessing each accommodation request on a case-by-case basis. Coordinating with the command and other OPIs during each request to determine the most effective accommodation, including proposing alternative solutions, as necessary.

(5) Advising commands of a rendered decision to approve, deny, partially approve, or modify the accommodation request. Ensuring timely notification to the applicant or employee of the rendered decision and applicable appeal/complaint rights, in coordination with the employee's commander or applicant's hiring command.

(6) Purchasing and tracking acquisition of authorized equipment to ensure the acquisition is expedited, the goods or services are delivered timely, and properly reported in the Financial Institution System for California database.

(7) Ensuring effective implementation of approved accommodations.

(8) Assisting in the compliance, training, and education of reasonable accommodation, religious accommodation, lactation accommodation, and victim of a qualifying act of violence accommodation laws.

d. Human Resources Section. The Human Resources Section (HRS) is responsible for the dissemination of the following information to new employees upon their initial hire:

(1) Lactation accommodation information pursuant to Section 1034 of the California Labor Code (LC).

(2) "Survivors of Violence and Family Members of Victims Right to Leave and Accommodations" information pursuant to Section 12945.8 of the California Government Code (GC).

e. Selection Standards and Examinations Section. The Selection Standards and Examinations Section is responsible for locating vacant positions that may be available as a reassignment for a qualified employee when the employee is unable to perform the essential functions of their position. Refer to Highway Patrol Manual (HPM) 10.7, Injury and Illness Case Management Manual.

f. Facilities Section. The Facilities Section may be responsible for the necessary facility-related alterations relevant to an approved reasonable accommodation or a lactation accommodation request.

g. Commanders. Commanders are responsible for ensuring their activities convey a commitment to a timely, good faith, and interactive process. Commanders shall submit the original signed accommodation request to the EOAS. Throughout the interactive process, the EOAS shall interact with the command and employee.

The EOAS shall e-mail the memorandum of decision to the employee requesting the accommodation, with a copy to the command. The command shall provide an e-mail to the EOAS to confirm receipt of the memorandum of decision.

Each command may be responsible for obtaining and/or providing the approved accommodation to the applicant or employee. If an accommodation request requires purchasing equipment, commands shall work directly with the EOAS as the OPI to purchase authorized equipment.

For lactation accommodations, the commander shall notify HRS and provide lactation accommodation information to the employee when the employee inquiries about or requests pregnancy-related leave.

For victim of a qualifying act of violence accommodations, the commander shall provide the “Survivors of Violence and Family Members of Victims Right to Leave and Accommodations” information to all employees annually, at any time upon request, and any time an employee informs the Department that the employee or employee’s family member is a victim of violence.

h. Supervisors and Managers. Supervisors and managers are typically the first to respond and engage with an applicant or employee in the interactive process. They are responsible for directing the individual to the required forms to request an accommodation. Supervisors and managers are responsible for ensuring their activities convey a commitment to a timely, good faith, and interactive process. Each accommodation request received shall be routed to the commander for review.

i. Applicants and Employees.

(1) Applicants with a disability or sincerely held religious beliefs have the right to request an accommodation for the examination, application, and interview

process. Applicants are made aware of the option to request an accommodation through the examination and/or job posting. All applicants are responsible for requesting an accommodation prior to an examination or scheduled interview. Applicants shall submit their request for the accommodation to the hiring command.

(2) Employees with a disability, a sincerely held religious belief, or victim of a qualifying act of violence have the right to request an accommodation. Employees are responsible for completing tasks in accordance with their job description during their assigned work hours. Each employee is required to perform their essential functions with or without reasonable accommodation. Employees are responsible for initiating the interactive process through their chain of command.

(3) Employees have a right to request a lactation accommodation. Requests for lactation accommodation should be submitted as soon as possible.

(4) Employees have a right to request a victim of a qualifying act of violence accommodation. Requests for victim of a qualifying act of violence accommodation should be submitted as soon as possible.

(5) The applicant or employee shall submit a CHP 163, Accommodation Request, or a CHP 163R, Religious Accommodation Request, to their hiring command or immediate supervisor as soon as the need for accommodation services is known. The applicant or employee is responsible for participating in the interactive process with the command and EOAS.

4. INTERACTIVE PROCESS.

a. The interactive process is a timely, good faith series of communications, both written and verbal, between the Department and the applicant or employee to assist in determining how the individual can be reasonably accommodated, religiously accommodated, accommodated due to lactation, or accommodated as a victim of a qualifying act of violence. The interactive process may include information regarding the applicant or employee's limitations, the need for accommodation, possible alternative options, the expected date the accommodation will be provided, or the reason why the request is denied. These are some examples of circumstances prompting the Department to engage in the interactive process:

(1) An applicant with a disability or sincerely held religious beliefs requests a reasonable accommodation or religious accommodation for an examination or interview.

(2) An employee with a disability requests a reasonable accommodation that

will enable the individual to perform the essential functions of the position or enjoy equal opportunities and benefits.

(3) An employee returns to work after an illness or injury and requests a reasonable accommodation.

(4) An employee's disability has changed, and the need arises to modify an existing accommodation, or an existing accommodation no longer appears to be effective.

(5) An employee requests unpaid leave to observe holy days, attend a ritual ceremony, or a break schedule that will permit daily prayers at prescribed times due to sincerely held religious beliefs.

(6) An employee requests to use 30 minutes in excess of their lunch and rest periods during their work shift to express breast milk in a private room at the office.

(7) An employee who is a victim of a qualifying act of violence requests a work schedule adjustment to attend counseling.

b. The interactive process requires an individualized assessment of both the job and the specific physical or mental limitations of the individual that are directly related to the need for a reasonable accommodation, or an assessment of both the work requirements and the religious beliefs, observance, or practice.

c. The applicant or employee has a duty to engage in the interactive process in good faith and to cooperate with the EOAS regarding requests for information, and to be open to reviewing options for alternative accommodations, if any, to meet both the applicant's or employee's need and the Department's operational needs.

5. EXAMPLES OF ACCOMMODATION. The following are some examples of reasonable accommodations that may be provided. This list is not all inclusive. Every determination of whether and how to grant an accommodation must be made on a case-by-case basis. Therefore, these examples are informational only. They are not meant to be used as a guide on how to decide actual requests under similar circumstances.

a. Ensure facilities used by applicants and employees are readily accessible and usable by individuals with disabilities. This may include, but is not limited to, providing accessible break rooms, restrooms, training rooms, or reserved parking places; acquiring or modifying furniture, equipment, or devices; or making other similar adjustments in the physical work environment.

b. Provide assistive aids and services such as qualified readers or interpreters to an applicant or employee.

c. Provide job restructuring, which may include, but is not limited to, exchanging existing marginal functions for marginal functions performed by one or more employees.

d. Provide an employee a part-time or modified work schedule as a temporary accommodation.

e. Permit an adjustment of when or how an essential function is performed.

f. Provide an applicant or employee an adjustment or modification of examinations or training materials.

g. Provide an alternative accommodation. If the Department is unable to provide the accommodation requested, the Department may offer an alternative accommodation that meets the needs of the applicant or employee and does not impose an undue hardship on the Department.

6. REASONABLE ACCOMMODATION.

a. Definition. A reasonable accommodation is any modification or adjustment that is effective in enabling: (i) an applicant with a disability to have an equal opportunity to be considered for a desired job; or (ii) an employee with a disability to perform the essential functions of the job the employee holds or desires. There are different types of reasonable accommodation requests, and each request is unique and must be evaluated on an individual basis.

b. Disability. The California Civil Rights Department (CRD) defines physical disability as follows:

(1) "Physical Disability" includes, but is not limited to, all of the following:

(a) Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following:

1 Affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.

2 Limits a major life activity. For purposes of this section:

a “Limits” shall be determined without regard to mitigating measures such as medications, assistive devices, prosthetics, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.

b A physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss limits a major life activity if it makes the achievement of the major life activity difficult.

c “Major life activity” shall be broadly construed and includes physical, mental, and social activities and working.

(b) Any other health impairment not described in paragraph (a) that requires special education or related services.

(c) Having a record or history of a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment described in paragraph (a) or (b), which is known to the employer or other entity covered by this part.

(d) Being regarded or treated by the employer or other entity covered by this part as having, or having had, any physical condition that makes achievement of a major life activity difficult.

(e) Being regarded or treated by the employer or other entity covered by this part as having, or having had, a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment that has no present disabling effect but may become a physical disability as described in paragraph (a) or (b).

(f) “Physical disability” does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

(2) “Mental Disability” includes, but is not limited to, all of the following:

(a) Having any mental or psychological disorder or condition, such as intellectual disability, organic brain syndrome, emotional or mental illness, or specific learning disabilities, that limits a major life activity. For purposes of this section:

1 “Limits” shall be determined without regard to mitigating measures, such as medications, assistive devices, or reasonable

accommodations, unless the mitigating measure itself limits a major life activity.

2 A mental or psychological disorder or condition limits a major life activity if it makes the achievement of the major life activity difficult.

3 "Major life activity" shall be broadly construed and shall include physical, mental, and social activities and working.

(b) Any other mental or psychological disorder or condition not described in paragraph (a) that requires special education or related services.

(c) Having a record or history of a mental or psychological disorder or condition not described in paragraph (a) or (b), which is known to the employer or other entity covered by this part.

(d) Being regarded or treated by the employer or other entity covered by this part as having, or having had, any mental condition that makes achievement of a major life activity difficult.

(e) Being regarded or treated by the employer or other entity covered by this part as having, or having had, a mental or psychological disorder or condition that has no present disabling effect, but that may become a mental disability as described in paragraph (a) or (b).

"Mental disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs. Additionally, the promulgated regulations further state that if the definition of "disability" used in the federal Americans with Disabilities Act of 1990 would result in broader protection of the civil rights of individuals with a mental disability or physical disability, as defined in CRD's regulations, or would include any medical condition not included within those definitions, then that broader protection or coverage shall be deemed incorporated by reference into, and shall prevail over conflicting provisions of, the definitions in CRD's regulations.

c. Qualified Individual. For employment purposes, a qualified individual is an applicant or employee who possesses the requisite skill, experience, education, and other job-related requirements of the employment position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of the position.

d. Reasonable Medical Documentation. When the disability or need for reasonable accommodation is not obvious, and when the applicant or employee has not already provided the Department with reasonable medical documentation confirming the existence of the disability and the need for reasonable accommodation, the Department may require the applicant or employee to provide such reasonable medical documentation. It is the applicant's or employee's responsibility to provide the reasonable medical documentation related to their functional limitations or restrictions and the requested accommodation. Reasonable medical documentation shall set forth the following information:

(1) The name and credentials of the health care provider.

(2) That the employee or applicant has a medical condition or physical or mental condition that limits a major life activity or a medical condition.

(3) A statement as to whether the condition is permanent or temporary, and if temporary, a statement as to when the condition is expected to be alleviated to the point where an accommodation is not needed.

(4) A description of why the applicant or employee needs a reasonable accommodation to have an equal opportunity: (i) to participate in the application process and to be considered for the job; or (ii) to perform the employee's job duties or to enjoy equal benefits and privileges of employment compared to non-disabled employees. This description should include, if relevant, whether the applicant or employee has any functional limitations to performing the essential job functions.

The Department is prohibited from inquiring as to the underlying medical cause of the disability and shall not ask for unrelated documentation, including in most circumstances, a complete medical record.

All relevant medical information related to their disability or medical condition shall be provided by the applicant or employee within 21 calendars days of the EOAS's request. The Department may request additional relevant medical information if the information submitted does not clearly explain the functional limitations or restrictions 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 position, access the workplace, or enjoy the benefits and privileges of employment. Failure to provide the requested medical information may result in suspension of the reasonable accommodation process unless the applicant or employee requests additional time to respond. Medical information obtained in the process of addressing requests for reasonable accommodation shall be kept strictly confidential. All medical information, including the CHP 163, obtained from the applicant or employee must be treated as a confidential medical record and stored

with their application or confidential medical file. Refer to HPM 10.3, Personnel Transactions Manual, Chapter 30, Personnel and Medical Files, for guidelines and procedures regarding the confidentiality of medical information/records.

e. Essential Functions of the Position. For an individual to be considered qualified for a position, they must be able to perform all of the essential functions of the position, with or without reasonable accommodation.

Essential functions are those fundamental job duties of an employment position the applicant or employee holds or desires and does not include marginal functions of the position. Elimination of marginal functions could be considered a reasonable accommodation. Elimination of essential functions is not a reasonable accommodation option; therefore, it is critical that essential and marginal functions of a job be distinguished.

f. Processing Reasonable Accommodation Requests. The applicant or employee shall complete a CHP 163 if they are an individual with a disability in need of a reasonable accommodation due to a physical and/or mental impairment, or medical condition. The following procedures shall be followed for requests based on a reasonable accommodation:

(1) The applicant or employee shall complete and submit the CHP 163 to the hiring command or supervisor/manager. If an applicant or employee requires assistance completing their form, assistance should be provided by the employee's person of choice.

(2) The original CHP 163 shall be submitted to the commander for their review.

(3) The command shall route the CHP 163 to the EOAS via e-mail to EOAS@chp.ca.gov.

(4) The EOAS shall acknowledge the request for accommodation within ten calendar days of the date the request for accommodation is received by the EOAS.

(5) The EOAS shall e-mail all signed documents to the employee requesting the accommodation, with a copy to the commander.

(6) Each reasonable accommodation request requires a case-by-case analysis. The applicant or employee may need to provide the Department with reasonable medical documentation of their disability. The EOAS shall draft all requests for relevant medical information until a final decision is rendered.

(7) Applicants and employees are required to respond with the appropriate documentation to stay engaged in the interactive process.

(8) If the reasonable accommodation request is approved by the EEO officer, the EEO officer shall sign a memorandum setting forth the rendered decision. The EOAS shall e-mail the memorandum of decision to the employee, with a copy to the commander.

(9) If a reasonable accommodation request requires purchasing authorized equipment, the command shall work directly with the EOAS as the OPI to purchase the authorized equipment. Equipment purchased for a reasonable accommodation must be accounted for. When an employee with assigned reasonable accommodation equipment transfers to another state agency, retires, is terminated, or otherwise separates from the Department, the equipment shall be returned to the EOAS.

(a) Headquarters Commands. The EOAS shall purchase the authorized equipment, which will be shipped directly to the EOAS. The EOAS will place an EOAS Property Tag with a quick-response code onto the equipment, which will be used to track the equipment. The EOAS will deliver the equipment to the appropriate command upon notification the employee was served with the memorandum of decision.

(b) Area/Division Commands. The EOAS shall purchase the authorized equipment, which will be shipped directly to the requesting command. Upon receipt, the requesting command shall notify EOAS they received the equipment and e-mail a copy of the packing list to EOAS@chp.ca.gov. The EOAS will send the command an EOAS Property Tag with a QR code and instructions for applying the tag.

(10) If the reasonable accommodation request is denied, partially approved, or an alternative accommodation is provided, refer to paragraph 11. of this chapter for more information.

g. Temporary Accommodation. As part of the accommodation process, an employee may request a temporary accommodation for a temporary disability or non-work-related injury or illness, if the employee is medically unable to perform the essential functions of their position, as deemed by their health care provider.

(1) The purpose of a temporary accommodation is to provide a temporary solution, with the expectation that the employee will be able to return to full duty once the temporary accommodation is removed. The extent, duration, and impact of the temporary disability must be evaluated before determining if the request can be temporarily accommodated, without imposing an undue hardship on the command.

(2) Temporary disabilities may include pregnancy-related conditions or nonindustrial injuries where an individual is provided a temporary

accommodation such as a temporary assignment to a vacant position or modification of the employee's essential duties, work hours, or equipment.

(a) A pregnant employee is entitled to a reasonable accommodation under the federal Pregnant Workers Fairness Act and the FEHA for limitations resulting from pregnancy, childbirth, or related medical conditions unless it would impose an undue hardship on the operations of the Department.

(b) Possible accommodations for pregnant employees may include closer parking, shift adjustments, additional break time, or a temporary assignment to a less strenuous position or to a position which does not pose a potential fetal health hazard.

7. ACCOMMODATION DURING THE HIRING PROCESS.

a. Examination and interview accommodations are provided to ensure that an applicant or employee who has a disability, has a need for a lactation break during the examination or interview, is a victim of a qualifying act of violence, or has sincerely held religious beliefs can access the examination or interview and is afforded an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others.

b. Candidates are made aware through job postings of their ability to request accommodations for the examination and interview process. Examinations and interviews should be conducted at accessible facilities. If a thorough review of a facility reveals the presence of barriers such as stairs or inaccessible platforms, steps should be taken to remove these barriers or arrangements made for an alternate facility which is accessible.

c. Requests for accommodation shall be made utilizing either the form CHP 163 or CHP 163R, which should be sent to the requesting individual for completion prior to the examination date or scheduled interview. In the event time does not allow for this, the interviewer should obtain and document the requested information on the CHP 163 or CHP 163R from the applicant via telephone or e-mail. Upon arrival at the interview, the applicant will then review and sign the CHP 163 or CHP 163R.

d. Examination Accommodation. Examination accommodations may include physical changes to the testing environment, auxiliary aids and services due to a disability, or rescheduling an examination due to sincerely held religious beliefs. However, the Department is not required to approve examination accommodations that would fundamentally alter the nature of the examination or that would assist with a skill the examination is designed to measure. Examples of accommodations for examinations can be found below. However, every determination of whether

and how to grant an accommodation must be on a case-by-case basis. Therefore, these examples are **information only**. They are not meant to be used as a guide on how to decide actual requests made under similar circumstances.

(1) Providing Braille or large-print examination books, screen reading software, or American Sign Language (ASL) interpreters.

(2) Extra time for the examination or distraction-free examination rooms.

(3) Access to food or medicine during the examination.

(4) Reschedule the examination date or time due to sincerely held religious beliefs.

(5) Provide a break and private room during a promotional examination so the individual can express breast milk in a private location.

(6) Reschedule the examination or interview date or time due to a newly scheduled court date for a victim or a family member of a victim of a qualifying act of violence.

e. Interview Accommodation. To address potential accommodation needs, all departmental job announcements shall include information regarding requesting an accommodation for a job interview. Commands should provide applicants with a confirmation e-mail regarding their scheduled interview and include information regarding requesting an accommodation if one is needed for the interview.

(1) Occasionally, an applicant may not realize in advance that they require an accommodation for an interview. If this occurs, the applicant should be allowed to reschedule the interview to a date and time an accommodation is available, unless to do so would create an undue hardship.

f. Federal and state laws prohibit the Department from making inquiries into an applicant's medical status/history prior to an interview or making a conditional offer of employment. During the interview, the hiring command may not ask the applicant about their physical or mental disabilities. However, the hiring command may ask questions to determine if the applicant is able to perform the essential functions of the position so long as all applicants are asked the same question. For additional information regarding the hiring policy refer to HPM 10.3, Personnel Transactions Manual, Chapter 2, Nonuniformed Hiring and Appointments.

8. ACCOMMODATION FOR VICTIM OF A QUALIFYING ACT OF VIOLENCE.

a. The Department shall provide reasonable accommodations for an employee who is a victim or whose family member is a victim of a qualifying act of violence who requests an accommodation for the safety of the employee while at work as required under Section 12945.8 GC.

(1) Qualifying act of violence means any of the following, regardless of whether anyone is arrested for, prosecuted for, or convicted of committing any crime:

(a) Domestic Violence.

(b) Sexual Assault.

(c) Stalking.

(d) An act, conduct, or pattern of conduct in which an individual causes bodily injury or death to another individual, in which an individual exhibits, draws, brandishes, or uses a firearm or other dangerous weapon, with respect to another individual, or in which an individual uses, or makes a reasonably perceived or actual threat to use force against another individual to cause physical injury or death.

(2) Family member means a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner, as those terms are defined in Section 12945.2 GC, or designated person. A "designated person" means any individual related by blood or whose association with the employee is the equivalent of a family relationship.

b. Reasonable accommodations may include the implementation of safety measures, including a transfer, reassignment, modified schedule, changed work telephone, permission to carry a telephone at work, changed workstation, installed lock, assistance in documenting a qualifying act of violence that occurs in the workplace, an implemented safety procedure, or another adjustment to a job structure, workplace facility, work requirement in response to a qualifying act of violence, or referral to a victim assistance organization.

c. The Department is not required to provide a reasonable accommodation to an employee who has not disclosed their status, or the employee's family member's status, as a victim of a qualifying act of violence.

d. The Department shall engage in a timely, good faith, and interactive process with the employee to determine effective reasonable accommodations.

e. The Department shall consider an exigent circumstance or danger facing the employee or their family member when determining whether the accommodation is

reasonable. The accommodation is not required if it would cause the Department an undue hardship.

f. If the Department requests it, an employee requesting a reasonable accommodation shall provide a written statement signed by the employee or an individual acting on the employee's behalf, certifying that the accommodation is for a purpose authorized under Section 12945.8(e)(1) GC.

(1) The Department may also request certification from an employee requesting an accommodation demonstrating the employee's status or the employee's family member's status, as a victim of a qualifying act of violence. Certification may be in any of the following forms:

(a) Police report documenting the employee or a family member of the employee was a victim.

(b) Court order protecting or separating the employee or a family member of the employee from the perpetrator of the qualifying act of violence, other evidence from the court, or prosecuting attorney that the employee or a family member of the employee has appeared in court.

(c) Documentation from a licensed medical professional, domestic violence counselor, a sexual assault counselor, victim advocate, licensed health care provider, or counselor that the employee or a family member of the employee was undergoing treatment or receiving services directly related to a qualifying act of violence.

(d) Any other form of documentation that reasonably verifies that a qualifying act of violence occurred, such as a written statement signed by the employee or an individual acting on the employee's behalf certifying that the absence is for a purpose authorized under Section 12945.8 GC.

(2) The Department may also request recertification of an employee's status or the employee's family member's status as a victim of a qualifying act of violence every six months after the date of the previous certification.

(3) Any verbal or written statement, document, report, or record provided to the Department that identifies an employee or the employee's family member as a victim shall be maintained as confidential by the Department, and shall not be disclosed by the employer as required by federal or state law or as necessary to protect the employee's safety in the workplace. The employee shall be given notice before any authorized disclosure.

(4) If circumstances change and an employee needs a new accommodation, the employee shall request a new accommodation from the Department.

(5) If an employee no longer needs an accommodation, the employee shall notify the employer that the accommodation is no longer needed.

g. Processing Victim of a Qualifying Act of Violence Accommodation Requests. The employee shall complete a CHP 163 if they are an individual or a family member of an individual who has been a victim of a qualifying act of violence in need of an accommodation. The following procedures shall be followed:

(1) The employee shall complete and submit the CHP 163 to the hiring command or supervisor/manager. If an applicant or employee requires assistance completing their form, assistance should be provided by the employee's person of choice.

(2) The original CHP 163 shall be submitted to the commander for their review.

(3) The command shall route the CHP 163 to the EOAS via e-mail to EOAS@chp.ca.gov.

(4) The EOAS will acknowledge the request for accommodation within ten calendar days of the date the request for accommodation is received by the EOAS.

(5) Each victim of a qualifying act of violence accommodation request requires a case-by-case analysis. The employee shall provide certification demonstrating the employee's status or the employee's family member's status as a victim of a qualifying act of violence.

(6) If the victim of a qualifying act of violence accommodation request is approved by the EEO officer, the EEO officer shall sign a memorandum setting forth the rendered decision. The EOAS shall e-mail the memorandum of decision to the employee, with a copy to the commander.

(7) If the victim of a qualifying act of violence accommodation request is denied, partially approved, or an alternative accommodation is provided, refer to paragraph 11. of this chapter for more information.

9. RELIGIOUS ACCOMMODATION.

a. Definition. A religious accommodation is one that eliminates the conflict between the religious practice and the job requirement and may include, but is not limited to, job restructuring, job reassignment, modification of work practices, or allowing time off in an amount equal to the amount of non-regularly scheduled time the employee has worked in order to avoid a conflict with their religious observances.

b. Religious accommodation includes, but is not limited to, the following practices:

(1) Accommodating religious practices when scheduling interviews, examinations, and other employment-opportunity functions.

(2) Providing additional break times and a private location for prayer.

c. Processing Religious Accommodation Requests. The applicant or employee shall complete a CHP 163R if they are an individual in need of an accommodation due to their religious beliefs, observances, or practices. The following procedures shall be followed for requests based on a religious accommodation:

(1) The applicant or employee shall complete and submit the CHP 163R to their immediate supervisor/manager or hiring command.

(2) The original CHP 163R shall be submitted to the commander for their review.

(3) The command shall route the CHP 163R to the EOAS via e-mail to EOAS@chp.ca.gov.

(4) The EOAS shall acknowledge the request for accommodation within ten calendar days of the date the request for accommodation is received by the EOAS.

(5) The EOAS shall e-mail all signed documents to the employee requesting an accommodation, with a copy to the command.

(6) Each religious accommodation request requires a case-by-case analysis that must consider, among other things, the degree to which granting the request would result in increased costs incurred by the Department in relation to the conduct of its business. The EOAS shall not provide a response until a final decision is rendered.

(7) If the religious accommodation request is approved by the EEO officer, the EEO officer shall sign a memorandum setting forth the rendered decision. The EOAS shall e-mail the memorandum of decision to the employee, with a copy to the commander.

(8) If the religious accommodation request is denied, partially approved, or an alternative accommodation is provided, refer to paragraph 12. of this chapter for more information.

10. LACTATION ACCOMMODATION.

a. Definition. A lactation accommodation is providing an appropriate location, adequate break time, and access to specific resources for the sole purpose of the

expression of breast milk for an employee's infant child. The Department encourages flexibility in accommodating employees who request lactation accommodation.

b. The Department is required to provide employees with a copy of the lactation policy when hired and when inquiring about or requesting pregnancy-related leave.

c. Employees have a right to request lactation accommodation through a CHP 163. Requests should be submitted as soon as possible. The Department is legally obligated to respond in a timely, good faith, and interactive manner.

d. Medical notes are not required when requesting lactation accommodation.

e. The Department shall provide a reasonable amount of break time to accommodate the needs of a lactating employee.

(1) Exempt Employee. The time provided for lactation break periods does not need to be documented on the CHP 163.

(2) Nonexempt Employee. The time allotted for the purpose of expressing breast milk should run concurrently with any break time already provided to the employee, if possible. While routine break times provided may be sufficient for some employees, others may need additional time. In following the spirit and intent of the law, the Department encourages supervisors/managers to provide a flexible or modified schedule to the employee. Nonexempt employees shall be made aware of their options for personal leave time if the time for expression cannot be accommodated during the employee's break time. Once exhausted, absence without pay (dock) may be considered, and all information on the effects of dock time shall be provided to the employee. For more information, please refer to HPM 10.3, Personnel Transactions Manual, Chapter 25, Absence Without Pay (Dock).

f. The Department shall provide the employee with the use of a room or other location to express breast milk in private. The location provided for the lactation process shall not be a bathroom. The room or location must be near the employee's work area and must be shielded from view and intrusion while the employee is expressing milk.

g. The room or location where the employee normally works may be used for this purpose if it otherwise meets the following requirements:

(1) The location is safe, clean, and free of hazardous substances, as defined in Section 6382 LC.

(2) The location contains a surface to place a breast pump and personal items and provides a place to sit.

(3) The location has 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.

h. The Department must provide access to a sink with running water and a refrigerator for storing milk near the employee's workspace. If a refrigerator cannot be provided, the Department shall provide another cooling device for storing milk, such as a cooler.

i. In cases where operational, financial, or space limitations are posed, the Department may designate a temporary location. This temporary location must meet all the requirements listed in paragraph 10.g. Lactation shall take precedence over all other uses of any temporary spaces provided.

j. Should the Department be unable to provide a break time or an appropriate location within the specified requirements stated in this policy, the EOAS will continue the interactive process to determine an effective accommodation.

k. Processing Lactation Accommodation Requests. The employee shall complete a CHP 163 if they are in need of a lactation accommodation. The CHP 163 should be submitted as soon as possible, either prior to the start of maternity leave or prior to the return from maternity leave. To request lactation accommodation, the following procedures shall be followed:

(1) The employee shall complete and submit the CHP 163 to their immediate supervisor/manager.

(2) The original CHP 163 shall be submitted to the commander for their review.

(3) The command shall submit the CHP 163 to the EOAS via e-mail to EOAS@chp.ca.gov.

(4) The EOAS shall acknowledge the request for accommodation within ten calendar days of the date the request for accommodation is received by the EOAS.

(5) Each lactation accommodation request requires a case-by-case analysis to determine an effective accommodation.

(6) If the lactation accommodation request is approved by the EEO officer, the EEO officer shall sign a memorandum setting forth the rendered decision. The EOAS shall e-mail the memorandum of decision to the employee, with a copy to the commander.

(7) The commander may be responsible for obtaining and/or providing the employee with their approved lactation accommodation. Facilities Section may also be responsible for any facility-related alterations relevant to approved lactation accommodation request.

(8) If the lactation accommodation request is denied or modifications are made to the initial request, refer to paragraph 11. of this chapter for more information.

11. DENIALS, PARTIAL APPROVALS, OR MODIFICATIONS OF REASONABLE ACCOMMODATION REQUESTS; LACTATION ACCOMMODATION REQUESTS; AND VICTIM OF A QUALIFYING ACT OF VIOLENCE ACCOMMODATION REQUESTS. Denials, partial approvals, or modifications of reasonable accommodation requests; lactation accommodation requests; and victim of a qualifying act of violence accommodation requests shall be provided in the memorandum of decision, and specifically explain the reason for the denial, partial approval, or modification. The Deputy Commissioner is the final level of review for appeals and will render a final decision for accommodation appeals filed by an applicant or employee. The following shall be included in the memorandum of decision:

a. Advise the applicant or employee the decision may be appealed in writing within five working days of either the receipt of the denial, partial approval, or modification of reasonable accommodation, lactation, or victim of a qualifying act of violence request. Appeals shall be made to the Office of the Commissioner through the EOAS.

b. The memorandum of decision shall also provide information on the applicant's or employee's right to file a complaint of discrimination with one or more of the following external agencies: the State Personnel Board (SPB), California Civil Rights Department (CRD), the U.S. Equal Employment Opportunity Commission (EEOC), the Labor Commissioner's Bureau of Field Enforcement (BOFE), and the Department of Industrial Relations (DIR), Retaliation Complaint Investigation Unit (RCI). The SPB, CRD, U.S. EEOC, BOFE and the DIR, RCI, have different statutes of limitation, and it is the applicant's or employee's responsibility to file the complaint with the proper regulatory agency and within their respective timeframes.

(1) The denial, partial approval, or modification of a reasonable accommodation request shall provide information on the applicant's or employee's right to file a complaint of discrimination with the SPB, CRD, and/or the U.S. EEOC.

(2) The denial, partial approval, or modification of a lactation accommodation request shall provide information on the employee's right to file a complaint of discrimination with the SPB, CRD, U.S. EEOC, and the BOFE for inadequate break time and/or a place to express breast milk. In addition, any employee who is a victim of retaliation for either asserting a right to lactation

accommodation or for complaining to the Labor Commissioner about the failure of the Department to provide this accommodation may file a retaliation claim pursuant to Section 98.7 LC.

(3) The denial, partial approval, or modification of a victim of a qualifying act of violence accommodation request, shall provide information on the employee's right to file a complaint of discrimination or retaliation with the DIR, RCI.

c. Below are examples of justifications for accommodation denials:

(1) Undue Hardship. Undue hardship includes any action that is unduly costly, substantial, disruptive, or that would fundamentally alter the nature of operations. A determination of undue hardship should be based on several factors, including the nature and cost of the accommodation needed; the overall financial resources, size, number of employees, and the type and location of facilities of the employer; type of operation, including the composition, structure, and functions of the Department's workforce; and the impact of the accommodation on the operation of the facility.

(2) Direct Threat. The Department must determine whether the accommodation will pose a direct threat to the health and safety of the employee, applicant, or to others while performing the essential functions of the position.

(3) Essential Functions. The request would not enable the individual to perform the essential functions of the position.

(4) Insufficient Documentation. The documentation provided by the applicant or employee is inadequate to establish the individual's need for accommodation. However, to ensure that the Department is actively engaging in the interactive process, the Department should attempt to work with the employee to gather the required documentation.

12. DENIALS, PARTIAL APPROVALS, OR MODIFICATIONS OF RELIGIOUS ACCOMMODATION REQUESTS. Denials, partial approvals, or modifications of religious accommodation requests shall be provided in the memorandum of decision, and specifically explain the reason for the denial, partial approval, or modification. The Deputy Commissioner is the final level of review for appeals and will render a final decision for accommodation appeals filed by an applicant or employee. In addition, the employee should be advised of the following:

a. Advise the applicant or employee the decision may be appealed in writing within five working days of either the receipt of the denial, partial approval, or modification of the religious accommodation request. These appeals shall be made to the Office of the Commissioner through EOAS.

b. The memorandum of decision shall provide information for the applicant or employee's right to file a complaint of discrimination with the CRD and/or the U.S. EEOC. The CRD and U.S. EEOC have different statutes of limitation, and it is the applicant or employee's responsibility to file the complaint with the proper regulatory agency and within their respective timeframes.

c. Below are examples of justifications for denying request for religious accommodation:

(1) Undue Hardship. Undue hardship includes any action that is unduly costly, substantial, disruptive, or that would fundamentally alter the nature of operations. A determination of undue hardship should be based on several factors, including the nature and cost of the accommodation needed; the overall financial resources, size, number of employees, and the type and location of facilities of the employer; type of operation, including the composition, structure, and functions of the Department's workforce; and the impact of the accommodation on the operation of the facility.

(2) Direct Threat. The request for religious accommodation will pose a direct threat to the health and safety of the applicant or employee, or to others while performing the essential function of the position.

(3) Essential Functions. The request for religious accommodation would not enable the individual to perform the essential functions of the position.

13. APPEALS.

a. The applicant or employee may appeal the rendered decision within five working days of receipt of the denial, partial approval, or modification of an accommodation request or exhaustion of the ten-calendar day period without the EOAS's response acknowledging receipt of the employee's request for accommodation. The appeal shall be made in writing to the Office of the Commissioner and submitted via e-mail to the EOAS at EOAS@chp.ca.gov.

(1) Upon receipt of the appeal, the EOAS shall respond to the employee within five calendar days with an acknowledgement of receipt of their appeal. EOAS shall provide a copy of the appeal and acknowledgement of receipt to the Office of the Commissioner.

(2) The Deputy Commissioner is the final level of review for appeals and will render a final decision for accommodation appeals filed by an applicant or employee. A written determination shall be provided to the applicant or employee within 90 calendar days of the appeal being filed.

(3) If the applicant or employee is not satisfied with the Office of the Commissioner's decision of their request for reasonable accommodation, the applicant or employee have the right to file a complaint of discrimination with the SPB, the CRD, and/or the U.S. EEOC.

(4) If the applicant or employee is not satisfied with the Office of the Commissioner's decision of their request for lactation accommodation, the applicant or employee have the right to file a complaint of discrimination with the SPB, the CRD, and/or the U.S. EEOC. The applicant or employee shall have the further right to file a complaint with the BOFE for inadequate break time and/or a place to express breast milk. In addition, any employee who is a victim of retaliation for either asserting a right to lactation accommodation or for complaining to the Labor Commissioner about the failure of the Department to provide this accommodation may file a retaliation claim pursuant to Section 98.7 LC.

(5) If the applicant or employee is not satisfied with the Office of the Commissioner's decision of their request for victim of a qualifying act of violence accommodation, the applicant or employee shall have the right to file a complaint of discrimination or retaliation with the DIR, RCI.

(6) If the applicant or employee is not satisfied with the Office of the Commissioner's decision of their request for religious accommodation, the applicant or employee have the right to file a complaint of discrimination with the CRD and/or U.S. EEOC.

14. FILING AND RETENTION.

a. Originating Office. The originating offices shall retain copies of accommodation requests as follows:

(1) A copy of the CHP 163 and supporting documentation shall be retained in the employee's confidential medical file for the life of the employee plus five years, or until superseded. A copy of a temporary accommodation shall be retained in the employee's confidential medical file for five years after the approval or denial of the request.

(2) A copy of the CHP 163R shall be retained in the employee's separate subject file for the life of the employee plus five years, or until superseded.

(3) For retention of nonuniformed applicant requests regarding reasonable accommodation and religious accommodation, refer to Retention of Hiring Records in HPM 10.3, Personnel Transactions Manual, Chapter 2, Nonuniformed Hiring and Appointments.

(4) For retention of cadet applicant requests regarding reasonable accommodation and religious accommodation, refer to the Title 2, Section 26, of the California Code of Regulations.

b. Equal Opportunity & Access Section. As the OPI, the EOAS shall retain accommodation requests as follows:

(1) A copy of the CHP 163 and supporting documentation shall be retained for the life of the employee plus five years. A copy of a temporary accommodation shall be retained for five years after the approval or denial of the request.

(2) A copy of the CHP 163R shall be retained for the life of the employee plus five years.

For uniformed and nonuniformed applicants, documents pertaining to reasonable accommodation and religious accommodation shall be maintained with the individual's application until they become employed. If the individual does not move forward in the hiring process, the documents shall be maintained with their application.

THIS PAGE INTENTIONALLY LEFT BLANK