

I. PURPOSE

To establish a process for ensuring compliance with Americans with Disabilities Act (ADA) legislation and requirements.

II. POLICY

The Americans with Disabilities Act (ADA) protects qualified individuals with disabilities from employment discrimination. The Agency is committed to compliance with Title I of the ADA, which covers the area of employment. The Agency is required to provide reasonable accommodation on a case by case basis to applicants and employees who are qualified individuals with disabilities, as defined by the ADA, unless such an accommodation imposes an undue hardship to the Agency.

The Agency has established a process to review and evaluate job accommodation requests. An appeals process is available to individuals who are dissatisfied with the outcome of their request(s), if the matter involves an accommodation pursuant to the ADA.

A qualified individual with a disability as defined by the ADA should request job accommodation following the procedure described herein.

The Agency also provides temporary modified work assignments for employees with disabilities not covered by the ADA, who are temporarily unable to perform the regular duties of their position due to temporary and/or nonsubstantial impairments. These accommodations are also provided on a case by case basis. However, such accommodations are not covered by the ADA and are not required of the Agency.

Americans With Disabilities Act (ADA), Continued

III. PROCEDURE

A. APPLICANTS

1. An applicant who is a Qualified Individual with a Disability under the ADA makes a request of Personnel if reasonable accommodation is needed in the selection process.

B. EMPLOYEES

1. The employee makes a job accommodation request to his/her immediate Supervisor or Manager, who supplies the necessary forms to the employee and contacts the job accommodation coordinator to log the request. The employee makes this request when diagnosed with a medical condition or disability that will affect performance of job functions, or when the employee believes that the disability will affect his/her ability to perform his/her usual job functions. The Agency may require, at its discretion, verification of a disability.
 2. The employee completes a Request for Job Accommodation, and returns it to his/her Supervisor/Manager, along with a completed work capacities evaluation form.
 3. The Superintendent/Manager reviews the Request for Job Accommodation and meets to discuss possible accommodations with the employee.
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Americans With Disabilities Act (ADA), Continued

4. After meeting with the employee, the Superintendent/Manager completes the manager's section of the job accommodation form and forwards all forms to the job accommodation coordinator in the Human Resources Division. If the employee has an active Workers' Compensation case, the job accommodation coordinator will coordinate the request for accommodation with Workers' Compensation.
5. The Superintendent/Manager confers with the job accommodation coordinator and the ADA Coordinator to determine ADA eligibility and discuss possible accommodations.

NOTE: If an employee is temporarily unable to perform the regular duties of his/her position due to a disability not covered by the ADA, a temporary modified work assignment may still be available at the determination of the Agency. However, accommodation of employees with temporary and non-substantial disabilities is not covered by the ADA and not required of the Agency. (This does not rule out a temporary modification of work assignment for someone whose disability is covered by ADA, if such is reasonable and appropriate.)

6. The Superintendent/Manager and the job accommodation coordinator make a joint recommendation to the appropriate Division Director, or designated representative, regarding possible job accommodation.
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Americans With Disabilities Act (ADA), Continued

7. The Division Director or designated representative either approves the job accommodation, or verifies that none is available in that division. If none is available, the job accommodation coordinator searches for appropriate openings in other Agency divisions.

This step is only required for employees who have been determined to have an ADA covered disability.

8. If no accommodations are available in the Agency, and the employee designates, his/her name can be placed on an ADA qualified waiting list for other position(s) for which he/she meets minimum qualifications and testing requirements as determined by Personnel. Such positions will be at an equivalent or lower level. Placement in such a position is not guaranteed. Eligibility for placement is limited to those with status as an employee.

This step is only for employees with an ADA covered disability who are unable to perform the essential functions of their jobs.

9. The job accommodation coordinator, in consultation with the Superintendent/Manager, completes the balance of the Request for Job Accommodation and forwards copies according to distribution listed on the form.

NOTE: The job accommodation coordinator confers with the Equal Opportunities Office (EOO) prior to denying a job accommodation if the employee's disability is covered under the ADA.

Americans With Disabilities Act (ADA), Continued

IV. APPEALS PROCESS

(ADA Job Accommodation Requests Only)

- A. Employees who are not satisfied with the response of the department may request a review by the Director of Human Resources or designee. Such a review must be requested within 10 working days of the department's response.
- B. The Director of Human Resources or designee will respond to the review request within 20 working days from the receipt of the request and will make a recommendation to the General Manager. The General Manager will issue a final written decision.