

GENERAL EMPLOYMENT MATTERS**1.5.8****H. REASONABLE ACCOMMODATION**

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA) are federal laws that require employers with 15 or more employees to not discriminate against applicants and individuals with disabilities and, when needed, to provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position. A reasonable accommodation includes any changes to the work environment and may include making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, telecommuting, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities

It is the policy of the City to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is the City's policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

1. Procedures

When an individual with a disability requests accommodation and can be reasonably accommodated without creating an undue hardship or causing a direct threat to workplace safety, he or she will be given the same consideration for employment as any other applicant. Applicants who pose a direct threat to the health, safety and well-being of themselves or others in the workplace when the threat cannot be eliminated by reasonable accommodation will not be hired.

The City will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation or if the accommodation creates an undue hardship to the City. An undue hardship is an action requiring significant difficulty or expense by the employer. In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include:

- The nature and cost of the accommodation.
- The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at such facility, the effect on expenses and resources, or the impact of such accommodation on the operation of the facility.
- The overall financial resources of the employer; the size, number, type and location of facilities.

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- The type of operations of the company, including the composition, structure and functions of the workforce; administrative or fiscal relationship of the particular facility involved in making the accommodation to the employer.

The Office of Human Resources is responsible for implementing this policy, including the resolution of reasonable accommodation, safety/direct threat and undue hardship issues.

An employee or applicant who desires a reasonable accommodation should make such a request in writing to the HR/Risk Management Director. The request must include: 1) the job-related functions that need accommodation; and 2) the desired reasonable accommodation.

Following receipt of the request, the HR/Risk Management Director or his/her designee will respond to the individual and schedule a meeting with the individual. The HR/Risk Management Director may require that the individual undergo a fitness for duty examination to determine whether the individual can perform the essential functions of the job with or without accommodation. The HR/Risk Management Director may require that this examination be conducted by a city-approved physician. Whether a reasonable accommodation can be made and what reasonable accommodation will be provided shall be determined by the HR/Risk Management Director after engaging in the interactive process with the employee and the appropriate supervisor, manager, or department head. The outcome of the interactive process and any accommodations made will be provided to the employee in writing.

An employee or applicant who believes he/she has been denied a reasonable accommodation may file a complaint with the City Manager. The City Manager's determination will be final with respect to the City.