

Broward County ADA Reasonable Accommodation Process

I. Employee Requests an Accommodation

- In general, it is the responsibility of the employee with an impairment/disability to inform the employer that they are in need of an accommodation. When an employee notifies his/her supervisor of an impairment, associated difficulties performing job tasks, and the need for some type of change or modification, the supervisor should immediately refer the employee to the Disability Affairs Section in the Office of Equal Opportunity.
- If an employee with a known or obvious disability is having performance problems, a supervisor may suggest an accommodation, but only after making a preliminary determination that the performance problem is related to the employee's disability. *This is an exception to the general rule against inquiring about disabilities, and extends only to those with known or obvious disabilities.*

II. Employee Meets with a Representative of the Disability Affairs Section

- Upon referral, a meeting will be scheduled with a representative of the Disability Affairs Section. Documentation of a "disability" and need for accommodation may be required (in most cases, it is required). The employee will receive an ADA Determination Questionnaire for his/her healthcare professional to complete.
- During the meeting it will be determined how the employee's impairment/disability limits his/her ability to perform the essential functions of his/her job, potential accommodations will be identified, and the effectiveness of such accommodations will be discussed. The meeting will also review any other issues that may be involved, i.e. labor relations issues, worker's compensation issues, requests for extended leaves of absence.
- The Division must provide a detailed, written job description to the Disability Affairs Section. This job description must delineate the "essential functions" of the position from the "marginal functions."

III. ADA Determination

- After the initial interview and completion of the ADA Determination Questionnaire by the employee's healthcare professional, a "Determination Memo" will be sent to the employee's supervisor. The memo will state whether the employee is a "qualified individual with a disability," as defined by the ADA; it will outline the employee's essential functions needing accommodation; and will recommend methods of accommodation.
- Reassignment to a vacant position will be considered only when an accommodation is not possible in the employee's current position or when an accommodation in the employee's current position would cause an undue hardship. The employee must be qualified for, and able to perform the essential functions of the vacant position with or without reasonable accommodation.
- If reassignment is the accommodation, the employee will be given "a reasonable amount of time" in which to seek alternate employment within the County.
- If at the end of the specified period of time, the employee has not found alternate employment within the County, the Division has two options. The Division may, as a result of the employee not being qualified for any vacant position, opt to grant the employee an additional amount of time to seek alternate employment or they may separate the employee after consultation with the Human Resources Division.
- An employee is not required to accept an accommodation. However, if the employee refuses an accommodation necessary to perform the essential functions of his/her job, and as a result cannot perform those functions (and is no longer qualified), the individual may be separated from County employment.

IV. Review of Accommodations to Ensure Effectiveness

- 4 - 6 weeks after the accommodations have been granted, the Division will assess the effectiveness of the accommodation(s) in enabling the employee to perform the essential functions of his/her job. If there is a need for additional accommodations, or changes to the existing accommodations, the Disability Affairs Section must be contacted to re-evaluate the accommodations
- If the accommodations are not effective and there are no other methods of accommodation that can assist the employee in performing the essential

functions of his/her job, then the accommodation of reassignment to a vacant position within the County will be discussed.

Separation from Employment because of Inability to Perform Job Requirements

- If, within a “reasonable amount of time” (determined on a case by case basis), the employee does not qualify for a vacant position, the employee will lose his/her protected status under the ADA (as only “qualified individuals with disabilities” are covered by Title I of the ADA).
- At this point, the employee who is not qualified for any vacant position, may be separated from county employment after consultation with the Human Resources Division.
- All efforts to provide reasonable accommodation, as well as conversations and meetings must be thoroughly documented.