

The ADA Accommodation Process

I Employee Requests an Accommodation

- ▶ The employee notifies his/her supervisor and/or Compliance Officer in OEO of an impairment, associated difficulties performing job tasks, and the need for some type of change or modification. This information constitutes an "accommodation request." 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.
- ▶ 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.*
- ▶ If the Division has not received an ADA Determination that the employee is an "individual with a disability," as defined by the ADA, refer the employee to OEO for assistance and an ADA Determination.

II Employee Meets with Compliance Officer in OEO

- ▶ Documentation of a "disability" and need for accommodation may be required (in most cases, it is required). The employee will receive the ADA Determination Questionnaire to have completed by their healthcare professional.
- ▶ The Division must provide a detailed, written job description to the Compliance Officer. This job description must delineate the "essential functions" of the position from the "marginal functions."
- ▶ The meeting will determine how the employee's impairment/disability limits their ability to perform the essential functions of their 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.

In some cases, the accommodation request does not involve a modification to the job, it involves a request for an extended leave of absence for reasons cause by the disability. The employee must submit medical documentation that an extended leave of absence is necessary and will be effective in enabling the employee to return to performing the essential functions of their position with or without an accommodation.

III ADA Determination Memo

- ▶ 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 or designated person who deals with ADA accommodation requests. The memo will state whether the employee is an "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.
- ▶ In the event that the compliance officer, the employee, nor the employee's doctor are unable to identify any accommodations that would enable the employee to perform the essential functions for their job, reassignment to a vacant position will be considered as the accommodation.
- ▶ Reassignment is considered as an accommodation when there are no other accommodations identified that would enable the employee to perform the essential functions of their current position. 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.
- ▶ All efforts to provide reasonable accommodation, as well as all conversations and meetings regarding this subject, must be thoroughly documented.

IV Division Consultation with Employee and Selection of Reasonable Accommodation(s)

- ▶ The requested accommodation(s) will be reviewed for effectiveness, feasibility, and reasonableness. The Division will select accommodations appropriate for both the employee and the Division.
- ▶ In the case of an extended leave of absence as an accommodation, the Division will determine whether it is reasonable to provide further leave.
- ▶ Once the Division selects the accommodation(s), they will detail them in writing to the employee, with a copy to the Compliance Officer.
- ▶ An employee is not required to accept an accommodation. However, if the employee refuses an accommodation necessary to perform the essential functions of their job, and as a result cannot perform those functions (and is no longer qualified), the individual may be separated from County employment.

V Review of Accommodations

- ▶ 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 their job. If there is need for further accommodation, or changes to the existing accommodation, this will be discussed.
- ▶ If the accommodations are not effective and there are no other methods of accommodation can assist the employee in performing the essential functions of their position, 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 regarding this subject, must be thoroughly documented

ADA ACCOMMODATION PROCESS

Employee Requests Accommodation

Employee Meets With Compliance Officer in OEO

Compliance Officer Issues Determination Memo

Employee has a “covered disability”		Employee does not have a “covered disability”
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Division Consults with Employee on the Accommodations Recommended in the Determination Memo		Division not Obligated to Provide Reasonable Accommodations
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Division Notifies Employee and Compliance Officer in OEO *in Writing* of the Accommodations they will provide

Review of Accommodations to Ensure Effectiveness