

## **ADA ACCOMMODATION PROCESS**

### **I. Policy**

It is the policy of Broward County (County), as established by the Broward County Board of County Commissioners, to provide equal opportunity in, and equal access to, County Government employment for all qualified individuals regardless of race, color, religion, national origin, sex, age, disability, sexual orientation, marital status, political affiliation, pregnancy or gender identity or expression.

The Americans with Disabilities Act of 1990 (ADA), as amended, expands protection to all qualified individuals on the basis of disability and specifically defines a “qualified individual.” It is the policy of the County to make reasonable accommodations available for qualified individuals so that they may participate in the hiring process and/or perform the essential functions of their job.

It is the policy of the County that the processing of ADA accommodation requests will be completed within forty-five (45) days of the receipt of a properly completed ADA Reasonable Accommodation Questionnaire form and Authorization for Release of Health Information form; unless extenuating circumstances exist.

### **II. Procedure for Making a Request**

#### **A. Applicant for Employment:**

Inform the Human Resources Division that an accommodation will be necessary.

All reasonable attempts will be made to provide the requested accommodation; however, providing an alternative accommodation may be necessary, including, but not limited to, offering to reschedule the appointment.

#### **B. Employees:**

##### **Initiating a Request for Accommodation**

a. Employee notifies a supervisor, Human Resources Officer (HRO) or representative, or a Professional Standards Section (PSS) representative in the Office of Intergovernmental Affairs and Professional Standards (OIAPS) of difficulties performing a job task(s) as a result of an impairment, and/or the need for some type of change, modification, or tool necessary to perform a task(s) associated with the job. This information constitutes notice that an accommodation may be necessary. The request may be verbal or in writing and need not mention the ADA or use the phrase “reasonable accommodation.” Supervisors and HROs must provide the employee with an ADA Referral Letter that notifies the

employee that they may contact PSS in order to seek a possible ADA Reasonable Accommodation and submit an electronic copy of the written referral to PSS.

b. If a Supervisor or HRO independently recognizes a possible need for an accommodation, they must provide the employee with an ADA Referral Letter that notifies the employee that they may contact PSS in order to seek a possible ADA Reasonable Accommodation and submit an electronic copy of the written referral to PSS.

c. An employee who would like to request an accommodation under the protection of the ADA, may contact OIAPS directly at:

Office of Intergovernmental Affairs and Professional Standards

115 South Andrews Avenue, Room 426/427

Fort Lauderdale, FL 33301

954-357-6500; 954-357-7889 Fax; 954-357-7888 TTY

[profstandards@broward.org](mailto:profstandards@broward.org)

d. If a Supervisor or HRO receives information from a third party regarding the employee's possible need for an accommodation, they must provide the employee with an ADA Referral Letter that notifies the employee that they may contact PSS in order to seek a possible ADA Reasonable Accommodation and submit an electronic copy of the written referral to PSS.

### **Accommodation Request Process**

a. Upon contact from the employee, OIAPS will provide an initial accommodation request packet (Packet) in-person, via U.S. Mail, e-mail, facsimile, or interoffice mail. Upon receipt of an ADA Referral Letter, OIAPS will contact the employee by telephone or e-mail and if requested, provide Packet in-person, via U.S. Mail, e-mail, facsimile, or interoffice mail. Forms provided in the Packet can also be found online at [Broward.org/HumanResources/ADA/](http://Broward.org/HumanResources/ADA/). The forms are:

(1) ADA Reasonable Accommodation Questionnaire form; and

(2) Authorization for Release of Health Information form for each identified healthcare provider.

b. The forms must be completed in full and returned to the OIAPS address above as soon as possible.

c. Upon receipt of a completed Packet, PSS staff will prepare the file and assign a case file number.

d. PSS will send the employee a ten (10) day letter if clarification or additional information is needed or required for the completion of the Packet. If the employee does not provide the requested information within ten (10) calendar days, PSS staff will administratively close the file.

e. When a completed Packet is received, PSS staff will send an ADA Notice and Essential Functions Request Memorandum (Request Memorandum) to the employee's supervisor with copy to the Agency's HRO. The Request Memorandum shall notify the agency that a request for an ADA accommodation has been received and request the Agency submit a list of the employee's essential job functions to PSS within ten (10) calendar days.

f. Upon receipt of the essential job functions, PSS staff will send to the employee's Healthcare Provider(s) via facsimile, with fax confirmation, or U.S. Mail the following documents:

- Broward County Physician's ADA Questionnaire;
- copy of the employee's essential job functions;
- copy of the signed Authorization for Release of Health Information form; and
- cover letter requesting the Healthcare Provider complete and return the Broward County Physician's ADA Questionnaire within ten (10) calendar days.

The cover letter must identify that the Healthcare Provider must return the completed Broward County Physician's ADA Questionnaire by facsimile to 954-357-7889 or via U.S. Mail to the OIAPS address referenced above. (To preserve the integrity of the process, county employees cannot hand-deliver the completed Broward County Physician's ADA Questionnaire to PSS.)

g. If the Healthcare Provider(s) does not return a completed Broward County Physician's ADA Questionnaire within ten (10) calendar days, PSS staff will send a second and final notice via facsimile coversheet, with fax confirmation, or via U.S. Mail to the Healthcare Provider(s). The Healthcare Provider shall be given an additional ten (10) calendar days to return a completed Broward County Physician's ADA Questionnaire.

h. If after sending the second and final notice a properly completed Broward County Physician's ADA Questionnaire is not received within ten (10) calendar days, PSS staff will notify the employee that the Healthcare Provider(s) has not responded, and the case file will be administratively closed.

### **III. Confidential Memorandum Drafted and Signed**

#### **A. Process:**

Upon receipt of a properly completed Broward County Physician's ADA Questionnaire, PSS staff will prepare an ADA Accommodation Analysis and a Confidential Memorandum for review and signature by the ADA Administrator or the Assistant to the Office Director.

a. The ADA Accommodation Analysis is not released outside of OIAPS and is retained in the employee's ADA Accommodation file maintained by OIAPS.

b. The Confidential Memorandum must be sent via e-mail to the employee's supervisor and copied to the employee's Department/Division/Office Director, Director OIAPS, Assistant to the Director OIAPS, Labor Relations Manager, the employee, and the Agency's HRO.

#### **B. Content:**

If the employee has a recognized disability and granted protection under the ADA, the Confidential Memorandum will identify recommended reasonable accommodation(s) that will enable the employee to perform the essential job function(s) of their position and instruct the employee's supervisor and HRO to engage in the interactive process (discussion) with the employee to determine what reasonable accommodation(s) will be provided. PSS staff will be available to participate in the interactive process.

If the employee has a recognized disability and granted protection under the ADA, but:

a. is not able to perform the essential job function(s) of their position with or without a reasonable accommodation(s), or

b. there is no reasonable accommodation(s) available to assist the employee with performing their essential job function(s),

the Confidential Memorandum will identify that the employee has a recognized disability, but is not a qualified individual with a disability. The employee will be instructed to immediately contact the Human Resources Staffing Section to seek possible reassignment to a vacant position within forty-five (45) days for which the employee is qualified and able to perform the essential job functions of the position, with or without reasonable accommodation.

### **IV. Follow-up**

If an employee is found to have a recognized disability and is granted a reasonable accommodation necessary to perform the essential functions of the position, PSS staff will

follow-up with the supervisor or HRO within four (4) to six (6) weeks to determine if the accommodation has been granted and is working.

#### **V. Withdrawals**

Employees have the right to withdraw their request for an ADA accommodation. However, all employee requests to withdraw must be in writing and submitted to the OIAPS.