

# Utah County Human Resource Management Policy 5-200: ADA Reasonable Accommodations

## Purpose

It is the purpose of this policy and procedures to set forth Utah County's policy regarding the Americans with Disabilities Act (ADA), American with Disabilities Act Amendments Act (ADAAA), and Section 504 of the Rehabilitation Act (Section 504). Further, to set forth the procedures for determining when and what reasonable accommodations are required for qualified individuals with a disability.

## I. Policy

It is the Policy of Utah County to comply with the provisions of the ADA, ADAAA, and Section 504 regarding qualified individuals and the provision of reasonable accommodations.

## II. Procedures

- A. An employee who requests a change in job duties, work schedule or other accommodation based on a medical condition will be referred to the Office of Human Resource Management (OHRM).
- B. The employee making the request must return the following completed forms to the OHRM.
  - 1. Medical/Healthcare Information Release
  - 2. Accommodation Eligibility Questionnaire
  - 3. Medical Disability Verification Form
- C. The interactive process.
  - 1. The OHRM will review the request and engage in an interactive process with the employee and discuss whether accommodations may be made to allow the employee to perform the essential job functions.
  - 2. The OHRM will consult with the employee's department as part of the process. The OHRM may require additional information from the employee or the medical provider prior to making a determination.
  - 3. The County is not required to lower performance standards to make an accommodation.
  - 4. A disabled employee is required to follow the same rules, policies, procedures and standards that other employees are required to adhere to in the work environment.
  - 5. Any accommodation that would pose a significant health or safety risk to an employee or others in the workplace is not considered reasonable.
  - 6. The OHRM will document all consultation meetings with the employee requesting an accommodation and the process on the ADA Interactive Worksheet.
  - 7. Before denying an employee an accommodation on the basis that it would pose an undue hardship, the OHRM must consult with the Utah County Attorney Office.
    - a. The OHRM will document its inability to provide the accommodation
      - i. Documentation must include assessment of the reasonableness of the denial and identify which accommodations have been explored.

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- ii. A copy of the documentation will be retained by the OHRM and must be made available to the employee for review.
    - b. The employee may appeal denial of the requested accommodation to the Utah County Commission within fourteen calendar days after receiving notification of the denial.
  - 8. The accommodation process is intended to be an ongoing interaction between management and the employee.
  - 9. The OHRM will meet with the employee and with the employee's department at least annually to review the accommodation and discuss whether the accommodation should be modified or eliminated.
  - 10. As part of the accommodation review process, the OHRM may request documentation from the employee's treatment provider or, in the alternative direct the employee to be evaluated by a provider selected by the OHRM at the County's expense in order to determine if the current accommodation is sufficient, effective and necessary.
- D. Accommodations may include the following:
- 1. Restructuring jobs (elimination of non-essential tasks, reassignment of work among coworkers, development of non-traditional solutions for day-to-day tasks).
  - 2. Modifying work schedules
  - 3. Removing physical barriers
  - 4. Acquiring or modifying equipment or devices
  - 5. Providing readers or interpreters
  - 6. Reassigning or transferring an employee to a vacant position
  - 7. Adjusting or modifying examinations, training materials or policies
  - 8. Additional suggested accommodations found at the Job Accommodations Network
- G. The cost of an accommodation will be borne by the County.
- 1. A department that is financially incapable of providing a reasonable accommodation may solicit assistance from Utah County Commission by contacting the OHRM in writing identifying the accommodation, the cost, and documenting the agency's inability to bear the expense.
  - 2. A qualified employee who voluntarily offers to contribute toward the expense of an accommodation may be allowed to do so.
  - 3. A qualified employee who wishes to bring medically necessary equipment or devices to work may be allowed to do so with supervisory approval.
- H. Transfers/Reassignments for an employee who can no longer perform essential functions of the position.
- 1. If an employee is unable to continue performing essential functions of the position with, or without accommodations due to a qualifying disability, the OHRM will attempt to transfer or reassign the employee to a vacant position within the County.
  - 2. While the decision to transfer or reassign is pending, the employee may choose to use accumulated leave or will be on leave without pay.
  - 3. If a vacant position is available for which the employee qualifies, the OHRM, in consultation with the department where the vacancy exists, will effectuate a transfer.
  - 4. If a vacant position is not immediately available within the County, the employee will be terminated.

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## **I. Job Applicant/Interview Reasonable Accommodations Policy and Procedure**

1. The OHRM will provide reasonable accommodations to qualified applicants during the application and examination process.
  - a. If necessary, an applicant should make a request for a reasonable accommodation to the OHRM at least five calendar days prior to an examination or interview.
  - b. Reasonable accommodation costs will be paid by the County.
  - c. The County is not required to lower performance expectations or standards for a disabled applicant.
  - d. Before a qualified applicant is denied an employment opportunity because the accommodation required would pose an undue hardship, the OHRM must consult with the Utah County Attorney Office.
2. Accommodations may include providing assistance in filling out the employment application, rescheduling the examination, moving the examination to an alternative location, reading the test to the applicant, providing interpreters, visual aids, enlarged print, extending time limits, etc.