

## **SECTION 3.1**

### **PROCEDURES FOR THE REQUEST AND PROVISION OF REASONABLE ACCOMMODATION**

It is the policy of Jefferson County to comply with the Americans with Disabilities Act (ADA) by providing a reasonable accommodation upon request for a qualified applicant, employee or citizen with a known physical or mental disability, as defined by the ADA. Reasonable accommodation will be provided unless a request imposes an undue hardship for the County.

#### **A. What is Reasonable Accommodation?**

Reasonable accommodation is any change to a program, service, facility, workplace, or to job requirements that enables an individual with a disability to participate in the program or service or performance of a job. Reasonable accommodation includes accommodations that are necessary to:

- Ensure equal opportunity to services and programs;
- Ensure equal opportunity in the application process;
- Enable a qualified individual with a disability to perform the essential functions of the position held or desired;
- Enable an employee with a disability to enjoy equal benefits and privileges of employment.

Reasonable accommodation applies only to accommodations that reduce barriers to programs, services or employment related to an individual's disability. Reasonable accommodation does not include items that are primarily for personal use, such as eyeglasses or hearing aids.

#### **B. Examples of Reasonable Accommodation**

The following are examples of reasonable accommodation:

- Making existing facilities accessible;
- Job restructuring (reallocating non-essential functions or altering when and/or how an essential function is performed);
- Part-time or modified work schedules;
- Job reassignment;
- Obtaining or modifying equipment or devices;
- Modifying examinations, training materials, or policies;
- Providing qualified readers or interpreters.

**C. Who is Entitled to Reasonable Accommodation?**

- Any citizen with a disability who needs access to a program, service or facility.
- Any qualified individual with a disability who meets the experience, education, and other job-related requirements of a position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of the job.

**D. Procedures for the Request and Provision of Reasonable Accommodation**

Once a request is received in the Human Resources Office, the County will determine the appropriate accommodation, on a case-by-case basis, using the following steps:

1. Analyze the program, service or facility involved or analyze the particular job involved and determine its purpose and essential functions.
2. Consult with the individual with a disability to ascertain the precise job-related limitations imposed by the individual's disability and how those limitations could be overcome with a reasonable accommodation.
3. In consultation with the individual to be accommodated and, if necessary, outside technical sources, identify potential accommodations and assess the effectiveness each would have in enabling the individual to access the program, service or facility or to perform the essential functions of the position.
4. A committee consisting of representatives (as needed) from the District Attorney's Office, Purchasing Department, County Auditor's Office, County Engineer's Office, Commissioners' Court, Human Resources Department and the department involved shall meet to determine the appropriate accommodation.
5. Select and implement the accommodation that is most appropriate for both the citizen or employee and the County.

**E. Documentation of the Need for Reasonable Accommodation**

The County may require that the individual with a disability provide documentation to support the need for an accommodation. Medical documentation from a board-certified medical practitioner may be necessary so that the County can:

- Determine if the individual is disabled under the meaning of the law;
- Determine whether an accommodation is needed;
- Assess what kind of accommodation is needed.

## **F. Undue Hardship**

According to ADA, an undue hardship results when an accommodation would cause significant difficulty or expense for an employer. Determination of whether an accommodation would impose an undue hardship will be made by the County, on a case-by-case basis, taking into account such factors as:

- Nature and cost of the accommodation;
- Overall financial resources of the County;
- Impact of the accommodation upon the operation of the County, including:
  - Whether the quality and quantity of services would be significantly altered or reduced;
  - Whether the program implementations would be significantly delayed;
  - Whether significantly heavier workloads would be created for other employees;
  - Whether the ability of other employees to perform their duties would be affected.

## **G. Confidentiality**

All records obtained or created during the processing of a request for reasonable accommodation are strictly confidential. These records will be kept in a separate medical file apart from an employee's personnel file. Applicant records will also be kept confidential.

A final decision on a request for reasonable accommodation may be the subject of a grievance. Employees, applicants or others who wish to file such a complaint should refer to the procedures established in the County's ADA Grievance Procedure.