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42 U.S.C. § 12101

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ADA ACCOMMODATIONS AND  
FITNESS FOR WORK EXAMINATIONS

I. INTRODUCTION

In all hiring and employment practices, the City strictly prohibits discrimination against qualified individuals with disabilities. The City follows this regulation and applicable laws when making reasonable accommodations for qualified individuals with a disability and when conducting fitness for work evaluations.

This regulation applies to all employees.

II. DEFINITIONS

Individuals may have a "disability" and may be protected under ADA if they:

- A. Have a physical or mental impairment that substantially limits one or more of their major life activities;
- B. Have a record of such impairment; or
- C. Are regarded as having such an impairment

"A qualified person with a disability" means an individual with a disability who, with or without a reasonable accommodation, can perform the essential functions of the position that the individual holds or has applied for.

"Reasonable accommodations" are modifications to an applicants' or employees' work environment that allow them to perform the essential functions of the job they seek or hold, unless the accommodations create undue hardship for the City.

III. INTERACTIVE PROCESS

Once an applicant or employee divulges he or she has a disability, or the City has a reasonable belief that the employee has a medical condition that is affecting his or her ability to perform the essential functions of his or her job, the supervisor shall contact Human Resources to initiate an interactive process with the employee. The purpose of the interactive process is to determine what, if any, job-related functional limitations the condition poses and what reasonable accommodations, if any, are available to assist the employee or applicant.

As a part of the interactive process it may be necessary for Human Resources to seek the assistance of the individual's health care provider. Department supervisors shall not communicate directly with an individual's health care provider.

#### IV. REASONABLE ACCOMMODATION

For every regular position in each department, the Department Director or designee in coordination with Human Resources shall identify and document the essential functions of each position. As previously stated a qualified person with a disability is a person with a disability who, with or without a reasonable accommodation, can perform the essential functions of the position that the individual holds or has applied for.

Reasonable accommodations can include, but are not limited to, altering equipment or facilities, or providing a temporary short term leave of absence. Examples of some of the factors to be considered in determining whether a proposed accommodation creates an undue hardship are: (1) the nature and cost of the accommodation; and (2) the overall financial resources of the City. Other factors also can have a bearing on whether an accommodation would create an undue hardship.

Please note, eliminating an essential job function is not considered a reasonable accommodation.

#### V. FITNESS FOR WORK EXAMINATIONS

In certain situations, the City may require current employees to undergo a medical examination or provide medical information when it is job-related and consistent with business necessity. The need for the examination or information may be triggered by evidence of problems related to job performance or safety, the examination or information may be necessary to determine whether individuals are fit for duty, or the examination or information may be necessary when an employee requests a reasonable accommodation. A failure to satisfactorily complete a required physical or psychological examination or provide medical information may be considered insubordination.

The City will pay the cost, not covered by health insurance, of fitness for work examinations required of employees. All examinations or requests for information shall be requested and approved by the Human Resource Department. All examination results are reported to the Human Resources Department and those employees with a need to know this information.

#### VI. CONFIDENTIALITY

All employees who are required to undergo an examination or provide medical information are requested to sign a form consenting to the release to the City of relevant medical information pertaining to the situation.

The City takes all necessary steps to safeguard the confidentiality of all medical information. Any and all records containing medical information about an applicant or current or former employee are maintained by the Human Resources Department separate and apart from the organization's general personnel files. Access to medical information in these separate files is granted by Human Resources only to

individuals with a valid or documented need to know. In such cases, the Human Resources Department grants access to only as much information as is needed to satisfy the individual's specific need for information from the medical information file.

Confidentiality is an essential principle involving this policy and regulation. Any employee improperly disclosing information to unauthorized personnel will be subject to disciplinary action up to and including termination.

#### VII. SAFETY ISSUES

All employees shall comply with safety rules at all times. Employees and job applicants shall not work in positions where, with or without a reasonable accommodation, they would create a direct threat to the safety or health of themselves or others. The determination that an individual poses a direct safety or health threat shall be confirmed by an opinion in writing from a physician or other appropriate professional. Department supervisors shall not communicate directly with an individual's health care provider. Departments shall work through Human Resources if they suspect an employee poses a direct threat.

#### VIII. COMPLAINT PROCESS

Any employee who believes that he or she has been discriminated against or harassed on the basis of a disability or any applicable law relating to accommodating a person with a disability is asked to follow the complaint process outlined in the City's Equal Employment Opportunity Regulation 1.03a. Any applicant who believes he or she has been discriminated against or harassed on the basis of a disability should contact the City's ADA/Section 504 Coordinator, who can be contacted at 384-3850 (Voice) or TTY (800) 377-3529.