

Jefferson County

Employee Administrative Rules & Regulations

ADA Reasonable Accommodations



Rule Number: 5.1.11
Date Established: 2/28/17
Date of Last Revision: 5/21/2021

1.0 PURPOSE

Jefferson County is an Equal Opportunity Employer. The County is committed to ensuring equal employment opportunity and equal access to services, programs, and activities for persons with disabilities. The purpose of this Rule is to provide reasonable accommodation(s) to a qualified person with a disability to enable such person to perform the essential functions of the position for which he/she is employed. Furthermore, it is the Rule of the County not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment.

This rule is based upon the federal Americans with Disabilities Act (ADA) of 1990, as amended, which mandates that employers make reasonable accommodations for otherwise qualified applicants and employees with disabilities, unless it can be demonstrated that providing such accommodations would result in undue hardship.

2.0 DEFINITIONS

Below is a summary of certain key terms to assist employees, department heads, and supervisors in understanding this Reasonable Accommodations Rule. However, the ADA sets forth specific statutory definitions of a number of key terms for determining whether an employee has a disability for which a reasonable accommodation must be made. The County is bound to abide by all laws and regulations that are applicable to any given employee's circumstances.

- **Disability:** Under the ADA, a disability is a physical or mental impairment that substantially limits a major life activity, a record of such an impairment, or being regarded as having such an impairment.
- **Essential Job Functions:** These are the fundamental job duties of the employment position the individual with a disability holds or desires that one must be able to perform with or without a reasonable accommodation. It does not include the marginal functions of the position. The essential job functions will vary from position to position.

- **Reasonable Accommodation:** This is any modification, change, or adjustment to a job application, work environment, or manner or circumstances under which a position held or desired is customarily performed, that allows a qualified individual with a disability to be considered for the position, perform the essential functions of the job, or enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees without disabilities. Examples of accommodations include, but are not limited to, making existing facilities readily accessible to and usable by individuals with disabilities; job restructuring; modifying job schedules, including by providing leave; reassignment to a vacant position; equipment or furniture modifications; modifications of examinations, training materials, or policies; and the provision of qualified readers or interpreters.
- **Accommodation Resulting in Undue Hardship:** This is an accommodation that, if provided, would result in significant difficulty or expense incurred by the County, when considered in light of the following factors: (1) the nature and net cost of the accommodation needed, taking into consideration the availability of tax credits and deductions and/or outside funding; (2) the overall financial resources of the County and/or the department(s) involved in the provision of the reasonable accommodation, the number of persons employed in such department(s) and the effect on expenses and resources; (3) the overall financial resources of the County and/or the department(s), its overall size with respect to the number of its employees, and the number, type and location of its facilities; (4) the type of operation or operations of the County and/or the department(s), including the composition, structure, and functions of the workforce, and the geographic separateness and administrative or fiscal relationship of the facility or facilities in question to the County; and (5) the impact of the accommodation upon the operation of the department(s), including the impact on the ability of the other employees to perform their duties and the impact on the department(s)' ability to conduct business. Nevertheless, please note that the County does have the obligation to explore and locate other suitable accommodations that would not constitute undue hardship if possible.

3.0 **RULE**

3.1 **Requesting a Reasonable Accommodation**

The County has established procedures for job applicants and employees to request reasonable accommodations.

A. Job Applicants: The County is committed to providing equal opportunity to individuals with disabilities in the hiring process and has procedures for job applicants to request reasonable accommodations in the job application process. Those procedures are detailed in the job application materials.

B. Employees:

1. Request to Department Head or Supervisor

To request a reasonable accommodation, the employee must let the County know that s/he needs an adjustment or change at work for a reason related to a medical condition. Employees are encouraged to use the **Request for a Reasonable Accommodation Form (Figure 1)** to ensure that all necessary information is included and for record-keeping purposes. An employee may request an accommodation by completing Section A of the Request for a Reasonable Accommodation form and forwarding the same to his or her department head or supervisor. The department head or supervisor shall complete Section B

on the Request for a Reasonable Accommodation form and forward one copy to the individual requesting the accommodation and one copy to the Compliance Office. If an employee makes a verbal request for a reasonable accommodation, the County may provide the employee with the ***Form to Respond to a Verbal Request for a Reasonable Accommodation (Figure 2)***.

The department head or supervisor and the individual with a disability should engage in a good faith informal interactive process to clarify what the individual needs and identify the appropriate reasonable accommodation. In many instances, both the disability and the type of accommodation required will be obvious, and thus there may be little or no need to engage in any discussion. In other situations, the department head or supervisor may need to ask questions concerning the employee's restriction(s) in order to identify an effective accommodation. Suggestions from the individual with a disability may assist in determining the type of reasonable accommodation to provide.

If the department head or supervisor states on the Request for a Reasonable Accommodation form or otherwise advises the employee that the department can provide the requested accommodation directly without additional documentation or assistance, the request process is complete, and the department proceeds with necessary arrangements. Documentation of the Request for a Reasonable Accommodation remains on file in the Compliance Office for record keeping purposes only.

2. Assistance from the Compliance Office

If the department head or supervisor has difficulty determining if a reasonable accommodation should be made, or denies the request for a reasonable accommodation, then the Request for a Reasonable Accommodation Form and all supporting documentation shall be forwarded to the Compliance Office for review and determination. In addition, if the department head or supervisor states on the Request for a Reasonable Accommodation that the department lacks the information necessary to make a decision about the request, the request shall be referred to the Compliance Office for review and determination.

If, based on the review, the Compliance Office determines that the employee is entitled to the requested accommodation or another effective reasonable accommodation, then the Compliance Office will consult with the employee and the employee's department head or supervisor about appropriate methods for implementing the accommodation.

If the Compliance Office agrees that the requested accommodation can be provided, then the employee and the department head and supervisor will receive written confirmation. If it is determined that the accommodation cannot be provided, then the employee will receive notification of the denial of his or her request for accommodation. See ***Notification of Denial of a Reasonable Accommodation (Figure 3)***. If the denial is based upon undue hardship, the Compliance Office will explore an alternative accommodation that will not cause an undue hardship.

C. Additional Information and Medical Documentation:

If a request for a reasonable accommodation is forwarded to the Compliance Office for review and determination, the Compliance Office will notify the employee of any need for reasonable documentation that has not yet been provided, which means only the documentation that is needed to establish that a person has an ADA disability that is not readily apparent, and that the disability necessitates a reasonable accommodation. If medical documentation is requested, the Compliance Office shall complete a written Request for ***Additional Information to Support a Reasonable Accommodation (Figure 4)***. Any request for medical information should be made only by the Compliance Office, and not by the employee's department head or supervisor. The Compliance Office may request that documentation about the

disability and its functional limitations come from an appropriate healthcare or rehabilitation professional, which will depend on the disability and the type of functional limitation it imposes. The employee may be asked to sign an **Authorization for Limited Release of Medical Information for Reasonable Accommodation Form (Figure 5)** allowing the Compliance Office to submit a **Medical Inquiry for Reasonable Accommodation Form (Figure 6)** with a list of specific questions to the healthcare or vocational professional confirming the disability, its functional limitations, and the need for a reasonable accommodation. As an alternative to requesting documentation, the Compliance Office may simply discuss with the employee the nature of his/her disability and functional limitations.

D. Confidentiality, Use, and Storage of Documentation:

Any information obtained regarding the medical condition or history of an applicant or employee, including as part of the reasonable accommodation process, shall be collected and maintained on separate forms and in separate medical files and will be treated as a confidential medical record, except:

- (a) Supervisors and managers may be informed of necessary restrictions on the work or duties of an employee and necessary accommodations;
- (b) First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and
- (c) Government officials investigating compliance with equal employment opportunity laws shall be provided relevant information on request.

Any information obtained regarding the medical condition or history of an applicant or employee may only be obtained and used consistently with equal employment opportunity laws (including the ADA).

V. Notification of Decision

After a decision is made by the Compliance Office in response to a reasonable accommodation request, the employee will receive a written notification from the Compliance Office. The Compliance Office will make all attempts to notify the employee of the disposition of the request for an accommodation within two (2) weeks of receiving all necessary information.

VI. Retaliation Prohibited

No individual will be retaliated against for requesting an accommodation. The County expressly prohibits any form of discipline, reprisal, intimidation or retaliation against any individual for requesting an accommodation. If an employee feels that he or she, or someone else, may have been subjected to conduct that violates this Rule, the employee should report it to the Compliance Office. If approved, the employee will receive an **Employee Accommodation Approval Letter (Figure 7)**.

VII. Appeal Rights

The employee has the opportunity to appeal a decision regarding a requested accommodation by submitting a written complaint to the Equity and Inclusion Division located at the following address: equityandinclusion@jccal.org. The Equity and Inclusion Division shall first mediate to try to resolve the issues informally between the employee and the County to find an acceptable accommodation. If a mutually acceptable accommodation cannot be determined, the Equity and Inclusion Division will investigate the complaint and make a recommendation to the Chief Compliance Officer. The Chief Compliance Officer shall issue a written decision on the appeal.

If you have any question about this Rule please contact the Compliance Office by via email at equityandinclusion@jccal.org.

Figure 8 reflects the entire *ADA Reasonable Accommodation Process Overview*.

Depending on the reason for your complaint, an employee may also be able to file a complaint relative to a reasonable accommodation with the United States Equal Employment Opportunity Commission (EEOC). Phone: 1-800-669-4000 or online system: <https://publicportal.eeoc.gov/portal>.

EEOC Complaints must typically be filed within 180 days of the discrimination or retaliation.

Employees are not required to file an internal complaint with the County (including with the Equity and Inclusion Division) before filing with the EEOC. If they do file an internal complaint, regardless of the determination, they can still file with the EEOC.

However, filing an internal complaint with the County does not change the deadlines that apply to filing with the EEOC.

**For assistance with this Rule, Requests,
Accommodations, and/or Appeals, please contact:**

**Compliance - Equity & Inclusion Division
Attn: Cricket Snyder, CCEP, Chief Compliance Officer
716 Richard Arrington Jr. Blvd. N., Suite A630
Birmingham, AL 35203
Tel: (205) 325-5249 Direct: (205) 583-8380**

Office Hours: Monday – Friday 8:00 a.m. to 5:00 p.m.