

City of Grove

Americans with Disabilities Act

Employment Reasonable Accommodations Policy

1. Purpose

The purpose of the City of Grove Americans with Disabilities Act (ADA) Reasonable Accommodations Policy is to provide policy and procedures to ensure equal and effective opportunities for persons with disabilities and full compliance with the employment provisions of Titles I and II of the Americans with Disabilities Act, including any amendments made to the Act.

2. Policy.

The City of Grove is committed to providing equal access and opportunity to qualified persons with disabilities in all terms and conditions of employment and in all City programs and services. The City of Grove recognizes that in order to have equally effective employment opportunities and benefits, individuals with disabilities may need Reasonable Accommodations.

The City of Grove will adhere to all applicable federal and state laws, regulations and guidelines with respect to providing Reasonable Accommodations, as necessary, to afford equal employment opportunities and equal access to programs, services, and benefits for qualified persons with disabilities.

Questions regarding Reasonable Accommodations and/or discrimination on the basis of disability should be directed to the City of Grove ADA Compliance Officer.

3. Definitions.

Disability shall mean (a) an impairment that substantially limits one or more major life activities; (b) an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active; The determination of whether an impairment substantially limits a major life activity shall be made without regard to *ameliorative effects of mitigating measures*.

Ameliorative effects of mitigating measures shall mean (a) medication, medical supplies, equipment, or appliances, *low-vision devices* (which do not include *ordinary eye glasses or contact lenses*), prosthetics including limbs and devices, hearing aid and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies; (b) use of assistive technology; (c) reasonable accommodations or auxiliary aides or services; (d) learned behavioral or adaptive neurological modifications.

Ordinary eye glasses or contact lenses shall mean lenses that are intended to fully correct visual activity or eliminate refractive error.

Low-vision devices shall mean devices that magnify, enhance or other augment a visual image.

Major Life Activities shall mean (a) including but not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working; (b) operation of major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain respiratory, circulatory, endocrine and reproductive functions.

Substantially Limits shall mean an individual is unable to perform a major life activity that the average person can perform or being significantly restricted as to the condition, manner or duration under which a major life activity can be undertaken.

Reasonable Accommodations shall mean modifications or adjustments to a job application process that enables a qualified person with a disability to be considered for a position he or she desires OR modification or adjustments to the job, work environment, or the way in which work is customarily performed that permits a qualified employee with a disability to perform the essential functions of the job or enjoy the benefits and privileges of employment equal to those of employees without disabilities.

Direct Threat shall mean a significant risk of substantial harm to the health or safety of others that cannot be eliminated or reduced by reasonable accommodations.

Essential Job Functions shall mean the job duties that are fundamental to the position, not marginal to the position. Duties are what must be accomplished, not how the duties are performed. Essential functions are those job duties that are so fundamental to the position that the individual cannot do the job without being able to perform them. A function can be “essential” if, among other things, the position exists specifically to perform that function, there are a limited number of other employees who could perform the function if it were assigned to them, or the function is specialized and the incumbent is hired based on his/her ability to perform it.

Undue Hardship shall mean that a specific accommodation would require significant difficulty or expense. This determination, which must be made on a case-by-case basis, considers factors such as the nature and cost of the accommodation needed and the impact of the accommodation on the operations of the agency.

A Qualified Person shall mean a person who satisfies the requisite skills, experience, education and other job-related requirements of the position and who, with or without Reasonable Accommodation, can perform the essential functions of the job.

Regarded as having impairment shall mean the absence of a physical or mental impairment but regarding or treating an individual as though such an impairment exists. An individual who establishes that such individual has been subjected to a prohibited action because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. Individuals being “regarded as having an impairment” shall not apply to impairment that are *transitory or minor*.

Transitory or Minor Impairment shall mean an impairment with an actual or expected duration of six months or less. A reasonable accommodation or a reasonable modification to policies, practices or procedures need not be provided to an individual who only meets the “regarded as” definition of disability.

City of Grove Compliance Team shall mean a five member team consisting of the ADA Compliance Officer, Director of HR, City Attorney, City Treasurer, and Buildings and Grounds Superintendent.

Request for Reasonable Accommodations shall mean a statement that an employee needs an adjustment or change at work; or an applicant needs special assistance during the application process.

4. Procedures

The City of Grove will make reasonable accommodations on a case-by-case basis to current employees and applicants seeking employment.

Employees:

- a. An employee with a disability may request a Reasonable Accommodations from his/her supervisor or the HR Director;
- b. Upon receipt of a request for accommodation the employee will meet with the supervisor and HR Director who will explain the Reasonable Accommodations process and provide the employee with an Employee Reasonable Accommodations Request form. Appropriate medical documentation may be requested if the disability and/or need for accommodation is not obvious;
- c. Upon receipt of the completed Reasonable Accommodations Request form, the Supervisor and HR Director shall discuss with

the employee the purpose and essential functions of the particular job involved and accommodations requested;

- d. The ADA Compliance Officer will review the Reasonable Accommodation Request form and consider the employee's preference of accommodation;
- e. To ensure that all effective accommodations are considered, the ADA Compliance Officer may discuss with the employee accommodations he/she has requested and any specific limitation, problems or barriers that are unclear;
- f. The ADA Compliance Officer will identify the potential accommodation(s) and assess the effectiveness of each in enabling the employee to perform the essential functions of the job, and;
- g. The ADA Compliance Officer will recommend the most appropriate accommodations for both the employee and employer to the Compliance Team. While the employee's preference will be given consideration, the City of Grove is free to choose among equally effective accommodations.
- h. The Compliance Team will review the ADA Compliance Officer's recommendation, and if it is determined that Reasonable Accommodations will enable the employee requesting the accommodations to perform the essential functions of the job or enjoy the benefits and privileges of employment equal to those employees without disabilities, a Reasonable Accommodations Agreement will be approved,
- i. Upon receipt of the Reasonable Accommodations Agreement the employing department shall implement the agreed-upon accommodations.
- j. An employee may refuse offered accommodations; employees cannot be forced to accept a particular accommodation. However, the employee continues to be responsible for performing the essential functions of his/her job with or without accommodations and shall maintain defined performance standards.

Applicants:

- a. All application materials shall be made available in reasonable alternative formats, upon request, according to the needs of a qualified person with a disability. All position announcements shall include the following statement:

The City of Grove is committed to making the application, interview and pre-employment testing process accessible to persons with disabilities. If you wish to volunteer information regarding any special assistance you may need, please notify the HR Director.

- b. An applicant with a disability may request Reasonable Accommodations to assist them through the application, interview and pre-employment testing process from the HR Director;
- c. Upon receipt of a request for accommodations the HR Director will meet with the applicant to explain the process and provide the applicant with a copy of the Employment Reasonable Accommodations Policy and Request form. Appropriate medical documentation may be requested if the disability and/or need for accommodation is not obvious;
- d. To ensure that all effective accommodations are considered, upon receipt of the completed Reasonable Accommodations Request form, the ADA Compliance Officer may discuss with the applicant accommodations he/she has requested and any specific limitation, problems or barriers that are unclear;
- e. After evaluating the request, the ADA Compliance Officer will identify the potential accommodations and assess the effectiveness of each in assisting the applicant with the application, interview and pre-employment testing process;
- f. The ADA Compliance Officer will recommend the most appropriate accommodations for both the applicant and employer to the Compliance Team. While the applicant's preference will be given consideration, the City of Grove is free to choose among equally effective accommodations.
- g. The Compliance Team will review the ADA Compliance Officer's recommendation, and if it is determined the Reasonable Accommodations will assist the applicant requesting the accommodation with the application, interview, and pre-employment testing process, a Reasonable Accommodations Agreement will be approved.
- h. Upon receipt of approval of the Reasonable Accommodations Agreement the ADA Compliance Officer shall make sure the agreed-upon accommodations are implemented.

The Reasonable Accommodations procedure will be an interactive process, with the involvement of the employee and applicant requesting the accommodations.

5. Appeals

If the employee or applicant requesting accommodations disagrees with the appropriateness of the accommodations determined, an appeal may be made to the City Manager for reconsideration or consideration of alternate accommodations.

The City Manager shall make a determination regarding the appeal within ten (10) working days of the request and notify the employee or applicant of his/her decision. The City Manager's decision is final.

6. Dissemination of Reasonable Accommodation Procedures

Copies of the Reasonable Accommodations Procedures shall be readily available to all City of Grove employees and employment applicants.

The Reasonable Accommodations Procedures shall be accessible to individuals with disabilities. Copies of the procedures will be made available in alternative formats, such as large print or audio tapes, upon request.

This Policy does not in any way constitute an employment contract. The City of Grove reserves the right to amend this policy at any time.

Consent Agreement

I _____ received a copy of the City of Grove Employment Reasonable Accommodations Policy

This Consent Agreement certifies that I received a copy of the City of Grove Employment Reasonable Accommodations Policy, adopted and approved by the Mayor and Council on the 18th day of September, 2012.

Employee Signature

Date