

# Salt Lake County Human Resources Policy 3-200: Reasonable Accommodations

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## **Purpose**

This policy provides a procedure for determining when reasonable accommodations are required for qualified individuals with a disability as defined by the [Americans with Disabilities Act as Amended \(ADAA\)](#) and [Section 504 of the Rehabilitation Act](#). Provides documentation regarding the county's inability to provide accommodations due to undue hardships and the employee's appeal process.

## **I. Policy**

It is the policy of Salt Lake County to comply with the provisions of the [Americans with Disabilities Act as Amended \(ADAA\)](#) and [Section 504 of the Rehabilitation Act](#) when providing reasonable accommodations.

## **II. Procedures**

### **A. Employee Reasonable Accommodation Procedure**

1. An employee who requests a change in job duties and or work schedule based on a medical condition will be referred to the Human Resources ADA Program Coordinator.
2. The employee making the request must return the following completed forms to the Human Resources ADA Program Coordinator:
  - a. [ADA Employee Intake Form](#)
  - b. [ADA Medical Questionnaire](#)
  - c. [HIPAA Disclosure Form](#) (Authorization to Disclose Health Information)
3. The ADA Program Coordinator will review the request and provide the employee and agency with a written determination of ADA coverage. The ADA Program Coordinator may require additional information from the employee or the medical provider prior to providing a determination.
4. If the ADA Program Coordinator determines that an employee requires an accommodation under the ADA, the relevant agency will be notified of an employee's ADA coverage status and the need for an accommodation. The agency will have seven calendar days from receipt of the written determination to hold a meeting with the employee and discuss accommodations.
5. At the meeting, the supervisor and employee will discuss whether accommodations may be made to allow the employee to perform the essential job functions. Accommodations may include the following:
  - a. restructuring jobs (elimination of non-essential tasks, reassignment of work among coworkers, development of non-traditional solutions for day-to-day tasks)
  - b. modifying work schedules
  - c. removing physical barriers
  - d. acquiring or modifying equipment or devices
  - e. providing readers or interpreters
  - f. reassigning or transferring an employee to a vacant position

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- g. adjusting or modifying examinations, training materials or policies
- h. additional suggested accommodations found at the Job Accommodations Network
- 6. The accommodation process is intended to be an ongoing interaction between management and the employee.
  - a. The agency will document all consultation meetings with the employee requesting an accommodation and the process on the ADA Interactive Worksheet.
  - b. Before denying an employee an accommodation on the basis that it would pose an undue hardship, the agency must consult with the Human Resources ADA Coordinator.
    - i. The agency must document its inability to provide the accommodation on the ADA Interactive Process Worksheet.
      - 1. Documentation must include assessment of the reasonableness of the denial and identify which accommodations have been explored.
      - 2. A copy of the documentation will be retained by the agency and must be made available to the employee for review.
    - ii. The agency must send a letter or memorandum outlining the denial of the accommodation to the Human Resources ADA Program Coordinator within seven calendar days of having informed the employee of the agency's inability to provide the accommodation.
    - iii. The employee may appeal denial of the requested accommodation to the Career Service Council within fourteen calendar days after receiving notification of the denial.
  - c. The accommodation process is intended to be an ongoing interaction between management and the employee. If an employee disagrees with the extent of the accommodations made by the agency, the employee may appeal to the Career Service Council within fourteen calendar days after the of the accommodation process.
  - d. An administrator is not required to lower performance standards to make an accommodation.
  - e. 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.
  - f. The Human Resources ADA Coordinator will meet with the employee and with the supervisor at least annually to discuss whether the accommodation needs to be changed.
    - i. Any accommodation that would pose a significant health or safety risk to an employee or others in the workplace is not considered reasonable.
- 7. The cost of an accommodation will be borne by the agency.
  - a. An agency that is financially incapable of providing a reasonable accommodation may solicit assistance from the Mayor or County Council by submitting a letter to the Mayor or County Council identifying the accommodation, the cost, and documenting the agency's inability to bear the expense. A copy of this letter must also be sent to the Human Resources ADA Program Coordinator.
  - b. A qualified employee who voluntarily offers to contribute toward the expense of an accommodation may be allowed to do so.

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- c. A qualified employee who wishes to bring medically necessary equipment or devices to work may be allowed to do so with supervisory approval.
8. Transfers/Reassignments for an employee who can no longer perform essential functions of the position
  - a. If an employee is unable to continue performing essential functions of the position with or without accommodations due to a qualifying disability, an administrator will have 30 calendar days to attempt to transfer or reassign the employee to a vacant position within the agency.
    - i. An Agency that is unable to reassign or transfer a disabled employee shall notify the Human Resources Division Director and the ADA Program Coordinator immediately.
  - b. The Human Resources Division will have 60 calendar days to evaluate the vacancies available throughout the County in an effort to identify a position for which the employee may qualify and where the disability can be reasonably accommodated.
  - c. During this period of time, the employee may choose to use accumulated leave or will be on leave without pay.
  - d. If an employee disagrees with a transfer or reassignment made by the agency, the employee may file an appeal directly to the Career Service Council within fourteen calendar days after the transfer or reassignment.
  - e. If a position is available for which the employee qualifies, the Human Resources Division Director/designee, in consultation with the agency administrator where the vacancy exists, will effectuate a transfer.
  - f. If a position is not found within the County, the employee will be terminated by the agency.
  - g. If the employee disagrees with the decision to terminate, the employee may file an appeal directly to the Career Service Council within fourteen calendar days of the notice of termination.
9. Job Applicant/Interview Reasonable Accommodations Policy and Procedure
  - a. The Human Resources Division must provide reasonable accommodations to qualified applicants during the application and examination process. These 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.
    - i. Requests for reasonable accommodations must be received by the Human Resources Division at least five calendar days prior to the examination.
    - ii. All requests will be reviewed on a case-by-case basis and decisions will be based on the type of request, the applicant's disability and the nature of the job.
    - iii. Information concerning an applicant who needs a reasonable accommodation in the interview process will be conveyed to the agency by the Human Resources Division.
    - iv. Reasonable accommodation costs will be paid by the agency.
    - v. An administrator is not required to lower performance expectations or standards for a disabled applicant.

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- vi. Before a qualified applicant is denied an employment opportunity because the accommodation required would pose an undue hardship, the agency must consult with the Human Resources ADA Program Coordinator.

## III. References

- A. Job Accommodation Website ([askjan.org](http://askjan.org))
- B. Americans with Disabilities Act of 1990, as amended
- C. Rehabilitation Act of 1973, Section 504, as amended
- D. Countywide Policy & Procedure: Americans with Disabilities Act Complaint Procedure
- E. Human Resources Policy:
  - 1. 1-200, General Definitions 3-100
  - 2. Harassment, Discrimination and Retaliation
  - 3. 3-500, Grievance Procedure
  - 4. 4-400, Workers' Compensation