

SUBJECT: ADA Reasonable Accommodation Procedure
DATE: February 2014
ISSUED TO: All Departments Subject to PPPM
PROCEDURE FOR: All Employees/Candidates requesting ADA Accommodations
ISSUED BY: Human Resources

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I. Purpose of Procedure

As stated in Section 200.003 of the PPPM, it is the policy of Augusta, Georgia to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship. In accordance with the Americans with Disabilities Act, accommodations will be provided to qualified individuals with disabilities when such accommodations are directly related to performing the essential functions of a job, competing for a job, or to enjoy equal benefits and privileges of employment. This policy applies to all applicants, employees, and employees seeking promotional opportunities.

This procedure is intended to provide a method by which Augusta, Georgia will process requests for disability accommodation.

II. Definitions

Disability:

For purposes of determining eligibility for a reasonable accommodation, a person with a disability is one who has a physical or mental impairment that materially or substantially limits one or more major life activities.

Major life activity:

Within the ADA definition of disability, it refers to activities that an average person can perform with little or no difficulty. Major life activities include, but are not limited to: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working. Major life activity also encompasses the operation of a major bodily function, including functions of the immune system; special sense organs and skin; normal cell growth; digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions; and the operation of an individual organ within a body system.

Documentation:

Those documents and reports that are required to be presented to Augusta, Georgia by the person requesting an accommodation before a request for an accommodation can be considered. Documentation consists of official written communications from a relevant qualified treating health professional (such as physician, surgeon, psychiatrist, physical therapist, etc.). This communication must be current and must describe the nature of the disability, prognosis (whether temporary or permanent), and the specific limitations the disability places on your ability to perform the essential functions of your position.

Reasonable accommodation:

A reasonable accommodation is a modification or adjustment to a job, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to enjoy an equal employment opportunity.

Examples of accommodations may include: acquiring or modifying equipment or devices; modifying training materials; making facilities readily accessible; modifying work schedules; and reassignment to a vacant position.

Reasonable accommodation applies to three aspects of employment:

- To assure equal opportunity in the employment process;
- To enable a qualified individual with a disability to perform the essential functions of a job; and
- To enable an employee with a disability to enjoy equal benefits and privileges of employment.

Essential functions:

The fundamental job duties of the employment position that the individual with a disability holds or desires. The term essential functions do not include marginal functions of the position.

Qualified individual with a disability:

An individual who satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position. The ADA prohibits discrimination on the basis of disability against a qualified individual.

Undue hardship:

With respect to the provision of an accommodation under Title I of the ADA, significant difficulty or expense incurred by a covered entity, when considered in light of certain factors. These factors include the nature and cost of the accommodation in relationship to the size, resources, nature, and structure of the employer's operation. Where the facility making the accommodation is part of a larger entity, the structure and overall resources of the larger organization would be considered, as well as the financial and administrative relationship of the facility to the larger organization. Employers do not have to provide accommodations that cause an undue hardship.

III. Confidentiality

Information about an employee's documented disability will be kept in a separate, confidential file from the employee's personnel file. Specific, detailed, medical information regarding the disability will also be kept confidential and shared with individuals within Augusta, Georgia only to the extent allowed by law. However, once Human Resources has been informed of the employee's documented disability and request for accommodations, the employee's supervisor may be notified and brought into the discussion so that an accommodation request can be coordinated through the supervisor.

IV. Responsibilities

- A. As a general rule, the employee with the disability, who has the most knowledge about the need for a reasonable accommodation, should inform the supervisor or human resources office that an accommodation is needed. However, a supervisor should initiate the Reasonable Accommodation Interaction Process without being asked if the supervisor:
 - 1) knows that the employee has a disability,
 - 2) knows, or has reason to know, that the employee is experiencing workplace problems because of the disability, and

- 3) knows, or has reason to know, that the disability prevents the employee from requesting a reasonable accommodation. If the individual with a disability states that s/he does not need a reasonable accommodation, the supervisor will have fulfilled his/her obligation.
- B. The employee is also responsible for providing appropriate documentation for the disability.
 - C. If an accommodation is granted, the accommodation will be reviewed annually by HR to determine whether updated documentation is needed and if the accommodation is still appropriate and sufficient.
 - D. The Employee Relations division within the Human Resources Department is responsible for reviewing requests for disability accommodations from employees.
 - E. Supervisors who receive reasonable accommodation requests must immediately consult with the HR Department and should not attempt to determine whether the employee has provided acceptable documentation, or what might constitute reasonable accommodations.

V. Exclusions

Persons with documented disabilities are not entitled to receive accommodations that would fundamentally alter the job, classification, or activity, or that would excuse performance of the essential functions of a job, essential components of a class, or activity.

Mitigating measures other than “ordinary eyeglasses or contact lenses” shall not be considered in assessing whether an individual has a disability. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. An employer does not have to provide an accommodation that would cause undue hardship, meaning significant difficulty or expense, which includes removing an essential function of the job.

VI. Procedure for Requesting Reasonable Accommodations - current employees and employees seeking promotion

- A. Augusta, Georgia will inform all employees that this accommodation procedure can be made available in accessible formats.
- B. The employee shall inform their supervisor or the Employee Relations Division, within the Human Resources Department, of the need for an accommodation.

- C. Employee Relations may request documentation of the individual's functional limitations to support the request. Any medical documentation must be collected and maintained on separate forms and in separate, locked files. No one will be told or have access to medical information unless the disability might require emergency treatment.
- D. When a qualified individual with a disability has requested an accommodation, Augusta, Georgia shall, in consultation with the individual:
1. Discuss the purpose and essential functions of the particular job involved.
(*Completion of a step-by-step job analysis may be necessary*).
 2. Determine the precise job-related limitation.
 3. Identify the potential accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job.
 4. Select and implement the accommodation that is the most appropriate for both the individual and Augusta, Georgia. While an individual's preference will be given consideration, Augusta, Georgia is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.
 5. Employee Relations will work with the employee to obtain technical assistance, as needed.
 6. Employee Relations will provide a decision to the employee within a reasonable amount of time.

If an accommodation cannot overcome the existing barriers or if the accommodation would cause an undue hardship on the operation of the business, the employee and Employee Relations shall work together to determine whether reassignment may be an appropriate accommodation.

VII. Denials and Appeals

Requests for reasonable accommodations will be reviewed and considered on a case by case basis. Requests that will cause an undue hardship on Augusta, Georgia will be denied. Employees or applicants who are dissatisfied with the decision pertaining to his/her accommodation request or believes the decision is based on discriminatory reasons, may file an appeal or complaint with the Equal Employment Opportunity office within 10 calendar days of the denial.