

## BOX ELDER COUNTY PERSONNEL POLICIES AND PROCEDURES

<b>27.</b>	<b>Reasonable Accommodation</b>
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### 27-1. Purpose

This policy provides a procedure for determining when reasonable accommodations should be considered for qualified individuals with a disability as defined by the Americans with Disabilities Act as Amended (ADA) and Section 504 of the Rehabilitation Act.

### 27-2. Policy

It is the policy of Box Elder County to comply with the provisions of the Americans with Disabilities Act as Amended (ADA) and Section 504 of the Rehabilitation Act when considering and providing reasonable accommodations.

### 27-3. Procedures

#### A. Reasonable Accommodation Procedure

1. An employee who requests a change in job duties and/or work schedule based on a medical condition should be referred to Human Resources (HR).
2. The employee making the request must return the following forms to HR:
  - i. ADA Employee Intake Form
  - ii. ADA Medical Questionnaire

*In the event that no forms are returned, HR will disregard the request until forms are completed and returned.*

3. HR and the Attorney's Office will review the request and provide the employee and department with a written determination of ADA coverage. HR may require additional information from the employee or medical provider prior to providing a determination.
4. If HR determines that an employee requires an accommodation under ADA, the relevant supervisor will be notified of the employee's need for an accommodation. The department will have seven calendar days from receipt of the written determination to hold a meeting with the

employee and discuss accommodations. A representative from Human Resources or the Attorney's Office will attend the meeting.

5. At the meeting the supervisor, employee and the HR or Attorney's Office representative will discuss whether accommodations may be made to allow the employee to perform the essential job functions. Accommodations may include the following:
  - i. Modifying work schedules
  - ii. Removing physical barriers
  - iii. Acquiring or modifying equipment or devices
  - iv. Providing readers or interpreters
  - v. Reassigning or transferring an employee to a vacant position
  - vi. Adjusting or modifying examinations, training materials or policies
  - vii. Additional suggested accommodations as needed
  
6. The accommodation process is intended to be an ongoing interaction between County management and the employee.
  - i. The department will document all consultation discussions with the employee requesting an accommodation and the process.
  - ii. When multiple reasonable accommodations exist, the County may choose from among them and decide which accommodation(s) will be offered.
  - iii. Before denying accommodation to an employee on the basis that all requested accommodations would pose undue hardship or would not be reasonable accommodations, the department must consult with HR. If HR approves the denial, then the following procedures should be followed:
    1. The department must document its inability to provide accommodation.
      - a. Documentation must include assessment of the reasonableness of the denial and identify which accommodations have been explored.
      - b. A copy of the documentation will be retained by the department and must be provided to the employee and HR.
    2. The employee may appeal denial of the requested accommodation by sending a written request to HR within five calendar days after receiving notification of the denial.
  - iv. A supervisor is not required to lower performance standards to make an accommodation.
  - v. 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.

- vi. HR will meet with the employee and with the supervisor at least annually to discuss whether the accommodation needs to be adjusted or changed.
  - vii. Examples of accommodations that are not considered reasonable include, but are not limited to, the following:
    - 1. An accommodation that would pose a significant health risk or safety risk to an employee or others in the workplace.
    - 2. An accommodation that does not enable an employee to perform his or her essential functions.
7. The cost of an accommodation will be borne by the department.
- i. A department that is financially incapable of providing reasonable accommodation may solicit assistance from the County Commission by submitting a letter to HR addressed to the County Commissioners identifying the accommodation, the cost, and documenting the department's inability to bear the expense. HR will meet with the County Commission at the next scheduled Commission Meeting to discuss the accommodation.
  - ii. An employee who voluntarily offers to contribute toward the expense of an accommodation may be allowed to do so.
  - iii. 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 - Guidelines for an employee who can no longer perform the essential functions of the position.
- i. If an employee is unable to continue performing essential functions of the position with or without accommodation due to a qualifying disability, HR will have 30 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.
  - ii. During this time the employee is expected to continue performing the essential functions of their position to the extent possible. When this is not possible, the employee must use accrued leave. If the employee does not have, or runs out of, accrued leave, the employee may use leave without pay.
  - iii. If a position is available for which the employee qualifies, HR, in consultation with the department head where the vacancy exists, will effectuate a transfer.
  - iv. If a transfer is made, pay shall be commensurate with the grade of the new position.

- v. If an employee disagrees with a transfer or reassignment, the employee may file a written appeal directly to HR within five calendar days after the transfer or reassignment.
- vi. If a position is not found within the County, the employee's employment will be terminated.
- vii. If the employee disagrees with the decision to terminate, the employee may file an appeal with the County Commission within 10 business days.

9. Job Applicant/Interview Reasonable Accommodation Policy and Procedure

- i. HR 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.
  - 1. Requests for reasonable accommodations must be received by HR at least five calendar days prior to the examination.
  - 2. All requests will be reviewed on a case-by-case basis and decisions will be based on the type of request and the nature of the application and examination process.
  - 3. Information concerning an applicant who needs reasonable accommodation in the interview process will be conveyed to the department by HR.
  - 4. Reasonable accommodation costs will be paid by the department.
  - 5. The hiring manager is not required to lower performance expectations or standards for a disabled applicant.