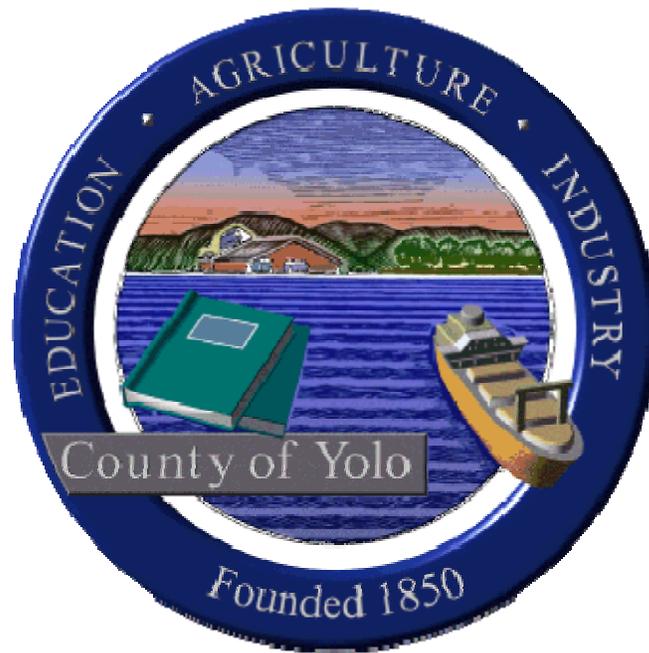


REASONABLE ACCOMMODATION  
OF EMPLOYEES WITH DISABILITIES



**GUIDELINES**

**COUNTY OF YOLO**  
**January, 2008**

# COUNTY OF YOLO

## GUIDELINES FOR REASONABLE ACCOMMODATION OF EMPLOYEES WITH DISABILITIES

### 1. Background

Under the American with Disabilities Act (ADA) and California Fair Employment and Housing Act (FEHA), an employee with a qualified disability is protected from discrimination due to that disability. A ***qualified disability*** is any physical or mental disease, disorder, or condition that limits a major life activity such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, and working which a non-disabled person can perform with little or no difficulty. Although many individuals with disabilities can perform their jobs without the need for an accommodation, there are workplace barriers that keep others from performing jobs which they could do with some form of accommodation. Both the ADA and FEHA require an employer to provide a ***reasonable accommodation*** to a qualified disabled employee when such an accommodation is necessary to allow that employee to perform the ***essential functions*** of the job.

### 2. Applicable Terms

- A. *Qualified Disabled Employee* is an employee who (1) has a physical or mental impairment who meets the required skill, experience, education, and other job-related requirements of the position; and (2) can perform the essential functions of the position being considered, with or without reasonable accommodation.
- B. *Essential Functions* are those job duties which are so fundamental to a position that an individual's inability to perform these duties represents an inability to do the job.
- C. *Reasonable Documentation* is information needed only to establish that an employee has a disability, and that the disability necessitates a reasonable accommodation. Permissible inquiries for reasonable accommodation include information about:
- An individual's impairment;
  - The nature, severity and duration of the impairment;
  - The activity that the impairment limits; and
  - The extent to which the impairment limits the individual's ability to perform the activity.
- (Reasonable documentation is appropriate in instances when the disability and/or the need for reasonable accommodation are not obvious and information is needed about an individual's disability and functional limitations.)

D. *Reasonable Accommodation* are modifications or adjustments to the work environment, or the manner or circumstances in which the duties of a position are customarily performed that enable a qualified disabled employee to perform the essential functions of a position. Examples of Reasonable Accommodation may include:

- Making facilities accessible and work stations usable;
- Job restructuring;
- Modifying work schedules;
- Implementing flexible leave policies;
- Reassigning to a vacant position;
- Acquiring or modifying equipment or devices.

### 3. Confidentiality of Medical Information

A. All employee medical records and medical information will remain confidential and will be protected from unauthorized use and disclosure. The following examples represent the types of records and information which are protected:

- A physician's report;
- A family and medical leave request form that discloses the nature of an employee's illness;
- Worker's compensation records and return to work releases;
- Information about an employee's disabilities being accommodated; and
- Other records that relate in any way to an employee's medical history.

B. The ADA and FEHA also require that an employee's medical history information be maintained on separate forms, treated as confidential, and kept in separate files from other general employee personnel information. Circumstances in which such confidential medical information may be disclosed are:

- County managers or supervisors who need information regarding necessary restrictions or accommodations for work duties; and
- First aid personnel who might require the information to administer emergency treatment.

C. Any other use or release of confidential employee medical information requires the pre-approval of County Counsel, the Director of Human Resources, or Risk Management.

#### 4. [Filing a Request for Reasonable Accommodation- Current Employees](#)

- A. An employee with a disability may request an accommodation at any time during the period of employment. The employee should first discuss the need for a reasonable accommodation with his/her supervisor, manager, or designated department staff member. The applicable department should provide the employee requesting an accommodation with a **REASONABLE ACCOMMODATION REQUEST FORM** to be completed by the employee and returned for consideration of the request. This form provides the department a description of the employee's limitations; the type of accommodation being requested; and a description of how the accommodation will allow the employee to perform the essential functions of the position. It is the responsibility of the requesting employee to complete this form in full and submit it to their supervisor, manager, or to the designated department's staff member.
- B. If **medical verification** of the disability is required, or medical information regarding functional limitations is needed, the employee requesting accommodation is required to sign the **AUTHORIZATION FOR THE RELEASE OF MEDICAL INFORMATION FORM** which gives Yolo County permission to obtain this information from the employee's private physician, medical provider, or vocational/rehabilitation counselor.
- C. In those instances where an employee with a **known** disability is having difficulty performing the job, that employee's supervisor or manager may inquire whether the employee is in need of a reasonable accommodation).

#### 5. [Departmental Consideration of Requests for Reasonable Accommodation](#)

- A. Because of the private nature of disability issues every reasonable effort should be taken to ensure confidentiality of all requests for reasonable accommodation and any related medical information about an employee. The following factors should be kept in mind when a department is considering an employee's request for a reasonable accommodation:
  - 1) The determination whether to provide an accommodation is made on a case-by-case basis. This is an individual process through which an employee's department and the individual employee discuss and arrange for the necessary (and reasonable) changes. The department must make a reasonable and good faith effort to determine the appropriate accommodation. Primary consideration should be given to the preferences noted by the employee when deciding on an accommodation, however, the department has the ultimate discretion to chose between effective accommodations.
  - 2) A department may not compel an employee with a disability to use an accommodation that is not necessary to perform the job.

- 3) When considering an employee's request for an accommodation a department will need to complete the **REASONABLE ACCOMMODATION REQUEST DEPARTMENTAL REVIEW FORM.**

## 6. Interactive Process Is Required

- A. The department must engage in the "interactive process" with an employee who makes a request for reasonable accommodation. This means that both parties have to talk to each other about the request, the process for determining whether an accommodation will be provided, and potential accommodations. The interactive process with the employee involves:
- Discussing the essential functions of the employee's position;
  - Talking with the employee to find out the precise job limitations imposed by the disability, and determining whether the limitations will affect the performance of the essential job functions.
  - Finding out what the employee recommends as a possible accommodation (the department is required to give the employee's preference serious consideration; however, any accommodation must be effective for both the employee and the department).
  - Discussing available alternatives- the department and the employee should provide information to each other and discuss possible accommodations and how effective the different accommodations might be in mitigating the employee's limitations (this is done on a case-by-case basis and depending on the circumstances may require several discussions and meetings with the employee).
- B. Interactive meetings should be face-to-face at a time and place convenient for the employee. The meetings should be informal, but detailed notes should be kept in order to have a record of the process. It is recommended to confirm in writing information and agreements reached from the discussions to avoid any potential future misunderstandings.
- C. The duty to engage in the interactive process extends beyond the first attempt at reasonable accommodation and continues to those instances where the employee may ask for a different accommodation, or the department becomes aware that the initial accommodation is failing and that further accommodation may be needed.

## 7. Granting/ Denying a Request for Accommodation

- A. Approving a request for accommodation: Once a department determines that a reasonable accommodation will be provided, that decision should be communicated to the requesting employee as soon as possible. Although the initial communication does not need to be in writing, it must be followed by a

written notice to the employee. The memo should indicate the sort of accommodation that will be provided.

- B. Denying a Request for Accommodation: If a department determines that a reasonable accommodation cannot be provided it must inform the requesting employee with a written notice which must include the specific reasons for the denial. Although an accommodation to a particular job classification may not be possible, every reasonable effort should be made to place employees into other job classifications where they meet the qualifications, and can perform the essential functions with or without accommodation.
- C. Appeal: If a request for reasonable accommodation is denied, the requesting employee can appeal the department's decision to the Director of Human Resources or her designee.

## 8. Forms

- Disability Reasonable Accommodation Employee Request Form
- Authorization for the Release of Medical Information Form
- Request for Medical Certification Form
- Request for Reasonable Accommodation - Departmental Review Form