

Staff Policies Manual



Title: **Reasonable Accommodations for Disabilities Policy**

Policy #: 326

Sponsored by: Human Resources Department

Approved by: City Manager

Date: Issued: 9/21/2018 Amended: __/__/__

Purpose

It is the policy of the City of San Mateo to provide employment-related reasonable accommodations to qualified individuals with disabilities within the meaning of the California Fair Employment and Housing Act (FEHA) and the Americans with Disabilities Act (ADA).

Policy

The City of San Mateo is an equal opportunity employer and makes employment decisions on the basis of merit. To comply with applicable laws ensuring equal employment opportunities to individuals with disabilities, the City will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee, unless undue hardship and/or a direct threat to the health and/or safety of the individual or others would result.

Scope

This policy shall apply to job applicants and employees.

Definitions

1. **Disability:** A physical, mental, or learning impairment that limits one or more major life activities such as seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, speaking or working. This list of major life activities is not exhaustive.
2. **Interactive Process:** A process by which employers and employees work together to assess whether an employee's disability can be reasonably accommodated.
3. **Reasonable Accommodation:** Assistance or changes to a position or workplace that will enable an employee to do his or her job despite having a disability. Employers are

required to provide reasonable accommodations to qualified employees with disabilities, unless doing so would pose an undue hardship.

4. Qualified Individual: An individual with a disability who meets the skill, experience, education and other job-related requirements of a position held or sought, and who, with or without reasonable accommodation, can perform the essential functions of the job.
5. Undue Hardship: An action that is unduly costly, extensive, substantial, disruptive, or that will fundamentally alter the nature of the job or employment program at issue.

Responsibility

1. Job Applicant
 - A. To request a reasonable accommodation in the application and selection process, contact the Human Resources Department as soon as you are aware than an accommodation is needed.
 - B. Ensure that forms received from the Human Resources Department are completed accurately and returned to Human Resources as soon as possible.
 - C. Participate in the interactive process in good faith.
2. Employee
 - A. Notify your supervisor as soon as you are aware that an accommodation is needed. Such request may be made verbally or in writing.
 - B. Ensure that forms received from the Human Resources Department are completed accurately and returned to Human Resources as soon as possible.
 - C. Participate in the interactive process in good faith.
 - D. Adhere to the conditions of the reasonable accommodation if one is granted.
 - E. Notify the Human Resources Department if your condition changes and/or the nature of your position changes and the reasonable accommodation is no longer applicable to your ability to perform the essential functions of your position.
3. Supervisor / Manager
 - A. Notify the Human Resources Department that an employee is requesting an accommodation.
 - B. Inform your Department Head and the employee that the Human Resources Department has been notified.
 - C. Maintain confidentiality to the extent possible in communicating the status of requests for and implemented accommodations.

- D. Participate in the interactive process in good faith.
 - E. Adhere to the conditions of the reasonable accommodation if one is granted.
4. Human Resources Department
- A. Provide the applicant or employee with information on the reasonable accommodation process, and any necessary forms to be completed by the applicant / employee and the applicant / employee's doctor or health care provider.
 - B. When the completed forms are returned, review the information to determine if the employee is a qualified individual with a disability.
 - C. Initiate the interactive process when appropriate.
 - D. If applicable, reduce the granted reasonable accommodation to writing and provide it to the employee, supervisor / manager, and Department Head.

Procedures

1. Request for Accommodation: An employee who believe s/he may need a reasonable accommodation in order to perform essential job functions should immediately inform his/her supervisor / manager.
2. The supervisor / manager should inform the Human Resources Department of the request.
3. Documentation: Following notification of the request, Human Resources will require additional information, such as medical documentation of the existence of a disability that impacts the employee's ability to perform the essential functions of the job.
4. Fitness for Duty Examination: The City may require an employee to undergo a fitness for duty examination as permitted by law.
5. Interactive Process: After receipt of the results of medical documentation and/or a fitness for duty report, the Human Resources Department will arrange for a discussion with the employee, and his or her representatives, if any. The purpose of the discussion is to work in good faith to fully discuss all feasible potential reasonable accommodations.
6. The Human Resources Department will discuss the possibility of potential reasonable accommodations with the operating department.
7. Case-by-Case Determination: The City determines, in its sole discretion, whether reasonable accommodation(s) can be made, and the type of accommodation(s) to provide. The City will not provide accommodation(s) that would pose an undue hardship upon City finances or operations, or that would endanger the health or safety of the employee or others. The City will inform the employee of its decision as to reasonable accommodation(s) in writing.

8. The City will also make reasonable accommodations for conditions related to pregnancy, childbirth, or related medical conditions, if requested, with medical certification of the employee's health care provider, as required by law.

Retaliation

Any retaliation, coercion, interference, intimidation or harassment of an individual who exercises rights granted or protected by the FEHA and/or ADA is prohibited. Employees found to be retaliating against another individual on this basis shall be subject to disciplinary action up to and including termination depending on the severity of the action. Any disciplinary action taken will be in accordance with the provisions for disciplinary action as outlined in the applicable employee Memorandum of Understanding (MOU) and the City's Personnel Rules.

Policy History

1. The subject of this policy was originally contained within #301 Harassment, Discrimination and Reasonable Accommodations for Disabilities Policy.
2. This standalone Reasonable Accommodations for Disabilities Policy was approved on 9/21/2018 and numbered as Policy 325.

Related Policies

1. Policy 301 – Harassment and Discrimination Policy

Contact for this Policy

Senior Risk Management Analyst

Approval

This policy was issued on September 21, 2018 and approved by:

LARRY A. PATTERSON
CITY MANAGER