



## ADMINISTRATIVE INSTRUCTION NO. 23

### AMERICANS WITH DISABILITIES ACT (ADA) REASONABLE ACCOMMODATION POLICY

The City of Bowling Green is committed to the fair and equal employment of individuals with disabilities. It is the City's policy to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship on the organization.

In accordance with the ADA Amendment Act of 2008 (ADAAA), reasonable accommodations will be provided to qualified individuals with disabilities when such accommodations are necessary to enable them to perform the essential functions of their jobs or to enjoy the equal benefits and privileges of employment. This policy applies to all applicants for employment and all employees.

#### **Disability**

"Disability" refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual. A "qualified person with a disability" means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the job.

#### **Reasonable Accommodation**

The City will seek to provide reasonable accommodation for a known disability or at the request of an individual with a disability, unless the reasonable accommodation would impose an undue hardship on the City's operation. Many individuals with disabilities can apply for and perform the essential functions of their jobs without any reasonable accommodations. However, there are situations in which a workplace barrier may interfere. A "reasonable accommodation" is any change or adjustment to a job application process, work environment, or work process that would make it possible for the qualified individual with a disability to perform the essential functions of the job.

There are three types of reasonable accommodations that may be considered:

- ✚ Changes to the job application process so that a qualified applicant with a disability will receive equal consideration for the job opportunity;

- ✚ Modifications to the work environment so that the qualified individual with a disability can perform the essential functions of the job; or
- ✚ Adjustments that will allow a qualified individual with a disability to enjoy the same benefits and privileges of employment as other similarly situated employees without disabilities.

### **Essential Job Functions**

For each job classification, the job description will identify the “job responsibilities” (essential functions), the physical requirements, required skill sets, and working conditions. Job descriptions will be reviewed on a periodic basis by the Personnel Director and the applicable department and division heads to evaluate job responsibilities. If there are questions about the job requirements, they should be directed to your supervisor or department/division head, or Personnel Director.

### **Requesting a Reasonable Accommodation**

An employee with a disability is responsible for requesting an accommodation from the Personnel Director and providing medical documentation regarding the disability when requested.

Once medical documentation is received, the Personnel Director and other applicable managers will work with the employee to identify possible reasonable accommodations and to assess the effectiveness of each in allowing the employee to perform the essential functions (required job responsibilities) of the job.

Based on the interactive process, a reasonable accommodation will be sought that is most appropriate for both the City and the individual employee. While an individual’s preference will be considered, the City is free to choose between equally effective accommodations with consideration toward expenses and impact on the rest of the organization.

A request for reasonable accommodation may be denied if it would create an undue hardship for the City. Primary factors to be considered when determining whether an undue hardship exists include the cost of the accommodation, the City’s over-all financial resources, the financial resources off the particular facility/division/department/office at which the accommodation is to be made, the number of employees at the facility/division/department/office, the total number of employees of the City, and the type of operation involved.

## **Safety**

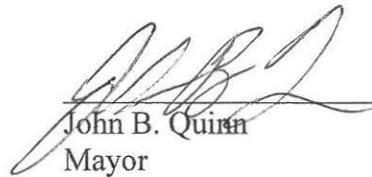
All employees are expected to comply with all safety procedures. The City will not place qualified individuals with disabilities in positions in which they will pose a threat to the health or safety of others or themselves. A “direct threat” means a significant risk to the health or safety of one’s self or others that cannot be eliminated by reasonable accommodation. The determination that a qualified individual with a disability poses a direct threat will be made the Personnel Director and/or other applicable department head. The determination will be based on factual, objective evidence. A written copy of the determination will be given to the employee so that he or she may submit additional information and/or challenge the determination that he or she poses a direct threat.

## **Confidentiality**

All information obtained concerning the medical condition or history of an applicant or employee will be treated as confidential information, maintained in separate medical files, and disclosed only as permitted by law.

## **Complaint Procedure**

It is the policy of the City to prohibit any harassment of, or discriminatory treatment of employees on the basis of disability or because an employee has requested a reasonable accommodation. If an employee believes he or she has been subject to such treatment or has witnessed such treatment, the situation should be reported using the harassment complaint procedure established in the City’s Administrative Instruction No. 37, *Policy Against Sexual and Other Harassment*. Any employee found to have engaged in retaliation against an employee for making a request for reasonable accommodation under this policy, registering a complaint under this procedure, or for assisting in the investigation of any registered complaint will be subject to immediate disciplinary action up to and including discharge from employment.

  
John B. Quinn  
Mayor

1-14-10  
Date