

PROCEDURES: Reasonable Accommodation Requests

General

The United States Congress adopted the Americans with Disabilities Act of 1990, as amended, (the “Act”) to “provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.” Among other things, the Act is intended to prevent discrimination against qualified individuals who, with or without accommodation, can perform the essential functions of the employment position which the individual holds. This Procedure is intended to provide a process through which a qualified individual may request an accommodation in order to continue their employment notwithstanding that they may have a disability as defined in the Act or are regarded as having a disability as defined in the Act.

This Procedure will be interpreted and construed in accordance with the provisions of the Act. Further, this Procedure incorporates all definitions of the Act by reference.

Reasonable Accommodation Requests

Employees, who can perform the essential functions of their positions but need an accommodation to do so, may submit a request for reasonable accommodation using ADA Form 1 (Reasonable Accommodation Request) to the Department of Human Resources. Upon receipt of ADA Form 1, Human Resources will verify the information provided by the employee by forwarding ADA Form 2 (Reasonable Accommodation Request – Healthcare Provider Information) to the health care providers identified by the employee on ADA Form 1. The employee must also complete ADA Form 3 (Release of Information) authorizing their healthcare providers to release information and return it to Human Resources.

Within fifteen (15) working days of the receipt of all ADA Form 2's and based on the information received on those forms, the superintendent's designee will determine if the employee has a “disability” as defined in the Act and whether the employee can perform the essential functions of their position but need an accommodation to do so. The superintendent's designee, assisted by other appropriate division personnel, will review the request for accommodation information from the employee and their healthcare providers to determine the appropriate accommodation.

The superintendent's designee will advise the employee in writing if the employee is qualified for accommodation and the specific accommodation to be provided. The employee will then perform their work in conjunction with the approved accommodation and the employee's performance of their work will be monitored to determine the ongoing success of the accommodation or, if needed, any possible modification.

Legal Reference:

The American with Disabilities Act of 1990 as amended by the Americans with Disabilities Act Amendments Act of 2008

42 U.S.C. § 12101, et seq.