

DISABILITY ACCOMMODATION	Approval Date:	03.17.08
	Effective Date:	03.17.08
	Revision Date:	01.09.09
	Revision Date:	
	Revision Date:	

Purpose

To establish a consistent procedure for reviewing requests for reasonable accommodations pursuant to the Americans with Disability Act of 1990, as amended and County Ordinance 169.27.

Revision History

These procedures supersede all previous procedures regarding disability accommodation.

Persons Affected

These procedures apply to all County appointing authorities, offices, departments, divisions, units, and employees, as defined in County Ordinance 169.01.

Principles Behind Policy

To ensure that qualified individuals with disabilities have equal and full access to employment with the County.

Definitions

1. "Qualified individual with a disability" means an individual with a disability who, with or without a reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.
2. "Disability" means a physical or mental impairment that substantially limits one or more major life activity, a record of such impairment or being regarded as having such an impairment.
 - (a) An impairment that substantially limits one or more major life activity need not limit other major life activities in order to be considered a disability.
 - (b) An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

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- (c) The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures except for ordinary eyeglasses or contact lenses.
- (d) Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. Major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
3. "Reasonable Accommodation" may include, but is not limited to reasonable modifications in policies, practices, and procedures; furnishing, at no charge, to the qualified individuals with disabilities, auxiliary aids and services including equipment, devices, and materials in alternative formats.

Applicable Law

- 1) Titles I and V of the Americans with Disabilities Act of 1990 (Pub. L. 101-336) (ADA), as amended, as these titles appear in volume 42 of the United States Code, beginning at section 12101 et. al.
- 2) County Ordinance 169.27

Procedures

Request for Accommodation

- Reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee must be made, unless such accommodation would impose an undue hardship on the operation of the business of the county.

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- Any applicant requesting an accommodation may contact the Human Resource Commission (“HRC”). The HRC shall contact the appropriate appointing authority to discuss the request.
- Employees requesting an ADA accommodation shall complete the ADA *Accommodation Request Form* (attached) and attach a completed ADA Medical Verification Form (attached). The forms shall be submitted to the Appointing Authority’s Human Resource Representative.
- The Appointing Authority’s Human Resources Representative shall send the following information to the HRC located at 175 S. Main Street, Room 103, Akron, Ohio 44308:
 - ADA Accommodation Request Form
 - ADA Medical Verification Form
 - Current Job Description/Classification Specification

Reviewing Request

- The HRC will review all information provided.
- The HRC may schedule a meeting to have a meaningful interactive dialogue with the employee, HR representative and employee’s supervisor to find out more about his or her physical or mental abilities and limitations as they relate to the job’s essential functions;
- The HRC shall analyze the requested accommodation and whether it would pose an undue hardship.
- If it is not apparent that the employee is a qualified individual with a disability or how the disability relates to the essential job functions, then the HRC shall do any or all of the following as appropriate:

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- Request additional medical information from the employee and/or obtain release from employee to contact the medical provider directly;
- Meet with the management staff to discuss essential job functions and
- Reconsider the request with the additional information provided.

Approval/Denial of Request

- If the analysis substantiates that the employee is a qualified individual with a disability, but the requested accommodation would pose an undue hardship to the Appointing Authority, then the HRC, employee and management will discuss an alternate accommodation.
- If the analysis substantiates that the employee is a qualified individual with a disability and the requested accommodation would not pose an undue hardship, then the HRC will approve the request.
- If the outcome determines that either the person is not a qualified individual with a disability, or that the requested accommodation would pose an undue hardship and/or no other alternate accommodation is possible, then the HRC will deny the request for an accommodation, with basis cited.
- Once the final determination has been made, the HRC shall send a copy of the *HRC ADA Accommodation Review and Action Form* (attached) to the employee with a copy to the Human Resource Representative.

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Record Maintenance

Copies of all documents sent or received in connection with a request for accommodations shall be kept as a confidential medical record.