

CITY OF HAMILTON, OHIO

No. 302

ADMINISTRATIVE DIRECTIVE

Effective Date: 3-6-17

Approved by: Joshua A. Smith,
City Manager

SUBJECT: AMERICANS WITH DISABILITIES ACT (ADA)

PURPOSE: To inform applicants and employees about the Americans with Disabilities Act (ADA) and its amendments, which requires, among other things, employers with 15 or more employees not to discriminate against applicants and individuals with disabilities and, when needed, to provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

1. Policy

- a. It is the policy of the City of Hamilton to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the United States Equal Employment Opportunity Commission (EEOC). Furthermore, it is the City of Hamilton policy not to discriminate against individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, and training or other terms, conditions and privileges of employment and to provide reasonable accommodations for those qualified.

2. Definitions

- a. Below is a summary of certain key terms to assist employees in understanding this policy. However, the ADA sets forth specific statutory definitions of a number of key terms for determining whether an employee has a qualified disability for which a reasonable accommodation must be made under the statutes. The City of Hamilton is bound to abide by all applicable laws and regulations. For the text of the statutory definitions of these key terms, please see www.ada.gov.
- b. Disability:
 - i. Under the ADA, a disability is a physical or mental impairment that substantially limits a major life activity (i.e., hearing, speaking, seeing, walking), or a record of a substantially limiting impairment, or someone regarded as having a substantially limiting impairment.
- c. Essential Job Functions:
 - i. These are the job duties that an employee must be able to perform with or without reasonable accommodation. Usual characteristics of the essential functions of a job are time spent, consequences of error, skill or expertise involved, and the availability of other employees. Under normal circumstances the essential duties would be included in the employee's position description.
- d. Reasonable Accommodation:
 - i. This is any change or adjustment to a job or work environment which allows an employee with a disability to perform the essential functions of a job. Typical accommodations include job restructuring, reassignment, and equipment and furniture accommodations.
- e. Undue Hardship:
 - i. This is an accommodation which would be unduly costly and burdensome. Such accommodations need not be provided. Nevertheless, please note that the City does have the obligation to explore and locate other suitable accommodations

which would not constitute undue hardship if possible.

3. Documentation

- a. To determine whether and what kind of accommodation may be reasonable, Civil Service and Personnel staff may require applicants or employees claiming a disability and in need of reasonable accommodation to provide medical or other documentation showing:
 - i. The existence and nature of the disability;
 - ii. The appropriateness of any accommodation proposed by the applicant or employee;
 - iii. If an alternate accommodation is proposed by management, to establish whether such an accommodation would meet the employee's need;
 - iv. A medical opinion regarding the disability.
- b. The City requests that the applicant or employee provide within ten (10) working days documentation from the time the City requests it. The applicant or employee will be given the opportunity to explain why documentation is not available or why a document request is not appropriate under the circumstances. Time extensions may be granted under appropriate circumstances. If an employee or applicant declines to provide requested medical or other documentation, the analysis for accommodation may not be acted upon by the City and the reasonable accommodation request may be considered as withdrawn.

4. Procedure

- a. Request for Reasonable Accommodation (By Applicants).
 - i. The City of Hamilton shall communicate to applicants that reasonable accommodations may be requested during the application, examination, and interview process. This communication is presented on the Reasonable Accommodation for Qualified Individuals with Disabilities Information Sheet provided on the City of Hamilton's web-site and a link provided on the City of Hamilton Employment Application, and on the City's paper application
 - ii. Applicants should request accommodations in writing using the City's **Request for Reasonable Accommodation Form**. If any impairment should prevent applicants from filling out the form, they may request assistance from the Civil Service and Personnel staff.
 - iii. After the accommodation request is received, the Director of Civil Service and Personnel will evaluate whether an accommodation is appropriate, and if so, what accommodation(s) is reasonable and necessary for the applicant to access the application and selection process will be explored. Undue hardship will be determined by the Director of Civil Service and Personnel.
- b. Request for Reasonable Accommodation (By Current Employees).
 - i. If an employee makes a request for reasonable accommodation known to his or her supervisor, the supervisor will inform the employee that the City has a procedure in place and that requests are to be made to the Department of Civil Service and Personnel using the City's **Request for Reasonable Accommodation Form**. The supervisor must refer the employee to the Department of Civil Service and Personnel for additional information and the supervisor must notify the Department of Civil Service and Personnel of the request.
 - ii. Civil Service and Personnel staff will meet with the employee to review the **Request for Reasonable Accommodation Form**. The employee will be informed of information needed for evaluating the request and whether the **Request for Reasonable Accommodation Form** and supporting documentation are sufficiently complete.
 - iii. If the accommodation request is not appropriate, the Civil Service and Personnel Director and/or staff will notify the employee. If the accommodation request is

appropriate, the Civil Service and Personnel Director and/or staff shall meet with the employee to explore accommodation options. Before an accommodation is selected, the Civil Service and Personnel Director and/or staff shall confer with the employee's supervisor regarding the accommodation options, and subsequently the employee will be notified of the accommodation chosen and the accommodation will be implemented and monitored for effectiveness.

ACKNOWLEDGMENT OF RECEIPT
OF
AMERICANS WITH DISABILITIES ACT POLICY
ADMINISTRATIVE DIRECTIVE NO. 302

I have received a copy of the City of Hamilton's Americans with Disabilities Act policy and understand that harassment and discrimination in the workplace is illegal and against City policy. I understand it is my responsibility to read and comply with this policy. Any violation of this policy **will not be tolerated** and will result in disciplinary action, up to and including dismissal.

I understand a request for a reasonable accommodation should be reported and handled as set forth in Directive No. 302. I understand that I am responsible for reporting a request for a reasonable accommodation to the Civil Service and Personnel Department.

Retaliation against applicants and employees who request accommodations and those who assist with a request will not be tolerated.

Employee Printed Name: _____ Date: _____

Employee Signature: _____