



ADMINISTRATIVE DIRECTIVE

REASONABLE ACCOMMODATION OF APPLICANTS AND EMPLOYEES WITH DISABILITIES	NUMBER 2.05-2	PAGE 1 of 6
	EFFECTIVE DATE February 1, 2016	

I. PURPOSE

To set forth procedures for the Reasonable Accommodation of applicants and employees who are qualified individuals with disabilities.

II. POLICY

Consistent with existing state and federal laws, it is the policy of the City of Tucson to provide applicants and employees with Reasonable Accommodations to ensure equal opportunity in the employment setting.

Retaliation against applicants or employees because they requested accommodation or made an Americans with Disabilities Act (ADA)-related complaint is prohibited. Additionally, discrimination against non-disabled applicants or employees because of any association or relationship they might have with individuals with disabilities is prohibited.

III. DEFINITIONS

- A. **ADA** – Americans with Disabilities Act of 1990, to include the ADA Amendments Act of 2008 (ADAAA).
- B. **City Physician** – The medical practitioner(s) authorized by the City to examine applicants and employees and to render medical evaluations.
- C. **Disability** – 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.
- D. **Essential Functions** – The fundamental job duties of a position, not including marginal tasks, as determined by the City, with consideration given to written job descriptions established prior to advertising or interviewing applicants.
- E. **Impairment** – Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; or any mental or psychological disorder, such as an intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
- F. **Interactive Process** – An informal communication process between the assigned Human Resources (HR) Department staff and the applicant/employee to discuss Reasonable Accommodation options after a request has been received. This process may be initiated by the applicant/employee or the HR Department.
- G. **Light Duty** – Temporary work that is physically or mentally less demanding than normal job duties.



ADMINISTRATIVE DIRECTIVE

REASONABLE ACCOMMODATION OF APPLICANTS AND EMPLOYEES WITH DISABILITIES	NUMBER 2.05-2	PAGE 2 of 6
	EFFECTIVE DATE February 1, 2016	

- H. **Major Life Activities** – 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.
- I. **Modified Duty** – Performing limited duties in the employee’s current classification.
- J. **Qualified Individual with a Disability** – An individual who, with or without Reasonable Accommodation, can perform the essential functions of the City position that such individual holds or desires.
- K. **Reasonable Accommodation** – Modification or adjustments to a job application process that enable a qualified applicant with a disability to be considered for a City position; modifications or adjustments to the work environment, or to the manner or circumstances under which the position is customarily performed that enable an otherwise qualified individual to perform the essential functions of that position; or modifications or adjustments that enable a City employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by other City employees without disabilities. Reasonable accommodation may include, but is not limited to:
 - making existing facilities used by employees readily accessible to and usable by individuals with disabilities,
 - job restructuring,
 - part-time or modified work schedules (as available),
 - reassignment to a vacant position,
 - acquisition or modification of equipment or devices,
 - appropriate adjustment or modifications of examinations, training materials or policies, and
 - the provision of qualified readers or interpreters.
- L. **Substantially Limiting** – An impairment is considered substantially limiting if the individual is unable to perform a major life activity as compared to the average person in the general population.
- M. **Undue Hardship** – An action that requires excessive expense to the City in relation to the resources available, or is unreasonably extensive, substantial, or disruptive, or would fundamentally alter the nature or operation of the business.

IV. GENERAL INFORMATION

- A. The existence of a disability is determined on an individualized case-by-case basis. To be considered disabled, the individual must have a physical or mental impairment that causes the individual to be unable to perform or be significantly restricted as to the condition, manner or duration under which the individual can perform some major life activity as compared to the average person in the general population. The HR Director/Designee will make this determination based on reports from the individual’s healthcare provider(s) and after consultation with the City Physician and/or City Attorney, as appropriate.



ADMINISTRATIVE DIRECTIVE

REASONABLE ACCOMMODATION OF APPLICANTS AND EMPLOYEES WITH DISABILITIES	NUMBER 2.05-2	PAGE 3 of 6
	EFFECTIVE DATE February 1, 2016	

- B. Temporary, non-chronic impairments of short duration, such as a broken ankle, are generally not considered disabilities.
- C. The ADA does not cover individuals who are currently engaged in the abuse of drugs and/or alcohol.
- D. Disability does not include:
 - 1. Pedophilia, exhibitionism, and voyeurism;
 - 2. Compulsive gambling, kleptomania, or pyromania; or
 - 3. Psychoactive substance use disorders resulting from current illegal use of drugs.
 - 4. An individual's gender and sexual orientation are not impairments and therefore, are not disabilities.
- E. In accordance with federal regulations, the determination of what constitutes a Reasonable Accommodation will be determined on a case-by-case basis.
- F. A reasonable accommodation may not:
 - 1. Constitute a direct threat to the health or safety of the individual with a disability or of other individuals in the workplace;
 - 2. Contradict a business necessity of the employer; or
 - 3. Impose undue hardship on the employer.

V. REASONABLE ACCOMMODATION PROCESS

A. Applicants

- 1. Applicants with disabilities may request reasonable accommodation for employment applications, tests and/or interviews by contacting the HR Department.
- 2. If the applicant's disability is not obvious, the applicant may be required to provide medical verification of the disability. Any medical information supplied for medical verification will be treated as confidential and will be returned immediately to the applicant after the review.
- 3. After verifying the applicant's disability HR will communicate directly with the applicant and engage in an interactive process if necessary to identify a reasonable accommodation that will allow the applicant to participate in the application process effectively.



ADMINISTRATIVE DIRECTIVE

REASONABLE ACCOMMODATION OF APPLICANTS AND EMPLOYEES WITH DISABILITIES	NUMBER	PAGE
	2.05-2	4 of 6
	EFFECTIVE DATE	
	February 1, 2016	

- a. If the applicant can be reasonably accommodated HR will generate a memorandum setting for the accommodation and ensure that the reasonable accommodation is made available to the applicant.
- b. If the applicant cannot be accommodated the HR will notify the applicant in writing. The City Physician may recommend an accommodation for an applicant selected for a position as a result of the pre-employment examination. Upon receipt of the City Physician's recommendation, HR will follow the procedure for employees outlined below. If no Reasonable Accommodation is available, the applicant will retain the applicant's position on the eligibility list and will be notified of future openings.

B. Employees

- 1. An employee who is or becomes disabled, and who seeks a Reasonable Accommodation, may make a request for reasonable accommodation to the employee's immediate supervisor, the employee's department management staff or to the Human Resources Department.. The notification may be oral or written.
- 2. When a request for reasonable accommodation is made to the supervisor or department management it shall be referred to the HR Department immediately.
- 3. Upon receipt of a request, HR will assess the employee's job, identify the essential functions of the position and obtain the appropriate medical information and forms from the employee.
- 4. HR will determine whether the employee is a qualified individual with a disability based on a review of reports from the employee's healthcare provider(s) and additional documentation contained in the employee's confidential medical file. HR may also consult with the City Physician, as appropriate.
- 5. After completing a job assessment, HR will engage in an interactive process with the disabled employee to ascertain the precise job-related limitations imposed by the employee's disability and how those limitations can be reasonably accommodated. The accommodation implemented should be the most appropriate for both the employee and the department.
- 6. Pending verification of a disability by HR or determination of whether an accommodation is possible, the employee may be assigned modified/light duty. The assignment may fall within the employee's assigned job classification or another job classification at the same or lower pay grade. During the assignment, the employee will receive the employee's full pay, regardless of the assigned duties.



ADMINISTRATIVE DIRECTIVE

REASONABLE ACCOMMODATION OF APPLICANTS AND EMPLOYEES WITH DISABILITIES	NUMBER 2.05-2	PAGE 5 of 6
	EFFECTIVE DATE February 1, 2016	

7. If no accommodation is possible within the employee's current position, HR will work with the employee and the department to identify other vacant positions within the employee's department, in an equal or lower classification, for which the employee meets minimum qualifications. If no position is identified within the employee's current department, HR will work with the employee to identify vacant positions Citywide, in equal or lower classifications, for which the employee is qualified.
8. Reassignment to a position in another classification will be based on the employee possessing the requisite qualifications to perform the essential functions of the position (with or without accommodation) and, when necessary, the City Physician's recommendation that the employee can safely perform the essential functions of the position.
9. If a vacancy in a comparable or lower position is identified, and the employee meets minimum qualifications and is able to perform the essential functions with or without accommodation, the employee will be offered the position as a Reasonable Accommodation, under the authority of the HR Director/Designee. The employee's pay will be determined in accordance with A.D. 2.01-2, Pay Rate Placement.
10. An employee will not be placed into a higher classification as a Reasonable Accommodation.

VI. DOCUMENTATION

When Reasonable Accommodation is available, the accommodation will be documented on a Record of Accommodation form to be completed and signed by the employee and appropriate department director, and approved by the HR Director/Designee.

When Reasonable Accommodation is not available, the employee will be provided notice of options, which may include: applying for medical disability retirement, full/early retirement, or Long-Term Disability, resignation, or discharge. In the case of discharge, the employee's department will issue a Notice of Intent to Discharge to the employee for inability to perform the essential functions of the position with or without Reasonable Accommodation.

VII. CONFIDENTIALITY OF RECORDS

All requests for accommodation and related medical information will be maintained by the HR Department in a separate file from the employee's personnel file and will be treated as confidential. In accordance with federal regulations, supervisors and managers may be informed regarding necessary work restrictions or accommodations; first aid, and department safety personnel may be informed, when appropriate, if the disability might require emergency treatment and/or evacuation assistance; and government officials investigating compliance with the ADA will be given relevant information upon request.



ADMINISTRATIVE DIRECTIVE

REASONABLE ACCOMMODATION OF APPLICANTS AND EMPLOYEES WITH DISABILITIES	NUMBER	PAGE
	2.05-2	6 of 6
	EFFECTIVE DATE	
	February 1, 2016	

VIII. COMPLAINT PROCEDURES

Complaints will be processed in accordance with A.D. 2.05-8, Discrimination/Harassment Policy and Mediation/Complaint Procedures.

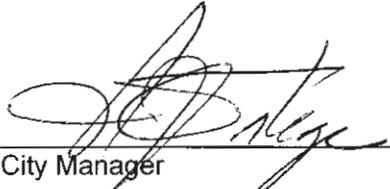
Appendices None.

References

- AD 2.02-16 Disciplinary Action and Pre-Disciplinary Review Process
- AD 2.02-1 Compensation
- AD 2.05-8 Discrimination/Harassment Policy and Mediation/Complaint Procedures
- AD 2.02-21 Light Duty Policy

Review Responsibility and Frequency The Human Resources Director will review this directive as needed. Last review date: July 1, 2013.

Authorized



 City Manager



 Date