



TITLE: Americans with Disabilities Act		PROCEDURE #: 304-A
DEPT: Human Resources		DIVISION/ PROGRAM: Human Resources
EFFECTIVE DATE: 2/09	REVIEWED: 05/22	REVISED: 05/22

OBJECTIVE: To establish procedures for employees to request an accommodation under the Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAA) (28 CFR Part 35 & 36)

REFERENCE: Policy # 304

POLICY STATEMENT: These procedures are adopted to implement Marion County Administrative Policy 304, Americans with Disabilities Act for Marion County employees.

APPLICABILITY: All county employees

PROCEDURES:

1. Introduction:

The Americans with Disabilities Act (ADA). The ADA and ADAA requires state and local government employers to take specific steps to ensure that individuals with disabilities do not experience discrimination in employment practices. Employment practices include job application procedures, hiring, firing, advancement, compensation, training and other terms, conditions, and privileges of employment.

2. Definitions:

2.1. Disability

2.1.1. A physical or mental impairment that substantially limits one or more major life activities; or,

2.1.2. A record of a physical or mental impairment that substantially limited a major life activity; or,

2.1.3. When a covered entity takes an action prohibited by the ADAA because of an actual or perceived impairment that is not both transitory and minor.

2.2. Essential Job Function

Functions of a position are considered essential if:

2.2.1. The position exists to perform the function; or,

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- 2.2.2. There are a limited number of other employees available to perform the function or among whom the function can be distributed; or
 - 2.2.3. A function is highly specialized and the person in the position is hired for his/her expertise or ability to perform the function.
- 2.3 Reasonable accommodation
Modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions.
- 2.4 Undue hardship
An action that requires significant difficulty or expense, considered in light of the effect on expenses and resources or the impact of such accommodation upon the business operation.
3. Interactive Process:
- 3.1. The interactive process is defined as a process in which the covered individual and the employer determine the precise limitations created by the disability and how best to respond to the need for accommodation.
 - 3.2. The county, as the employer, will engage in an interactive process when a need is identified, or accommodation requested. An employee who believes a disability prevents or hampers their ability to perform an essential function of their position must complete the Marion County Reasonable Accommodation Request forms. These forms may be obtained from their supervisor, Marion County Human Resources, or on the county intranet web page.
 - 3.3. The county may require the employee to obtain a statement from the employee's healthcare provider to certify that the employee has a covered disability for which the employee need a reasonable accommodation. The employee must take a copy of their Essential Job Functions and an Interactive Process Questionnaire to their medical provider for completion. The employee must submit the completed documentation to Marion County Human Resources.
 - 3.4. Request for accommodation shall be reviewed by the Marion County ADA Committee. The committee will evaluate requests for accommodation, seek additional information or documents as necessary to make recommendations as part of the interactive process, and approve appropriate reasonable accommodations.
 - 3.5. Marion County Human Resources will provide the employee with written determination regarding the accommodation request and what, if any, accommodation will be provided.
 - 3.6. The employee may contact HR to re-engage in the interactive process, to address any concerns about the proposed accommodation, for reconsideration of the accommodation decision or to provide additional information in support of the request.

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