



**ADMINISTRATIVE POLICIES**

<b>SECTION:</b>	<b>Human Resources</b>		<b>POLICY #:</b>	<b>304</b>	
<b>TITLE:</b>	<b>Americans with Disabilities Act</b>		<b>PROCEDURE #:</b>	<b>304-A; 304-B</b>	
			<b>ORDER #:</b>	<b>09-27</b>	
<b>DEPT:</b>	<b>Business Services</b>		<b>DIVISION:</b>	<b>Human Resources</b>	
<b>ADOPTED:</b>	<b>1/97</b>	<b>REVIEWED:</b>	<b>4/05, 2/09, 11/11</b>	<b>REVISED:</b>	<b>4/05, 2/09, 11/11</b>

**PURPOSE:** The purpose of the Americans with Disabilities Act policy is to ensure that individuals with disabilities are not discriminated against by Marion County. Marion County complies with the Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAA) (28 CRF Part 35 and 36). <http://www.ada.gov/>

**AUTHORITY:** The Marion County Board of Commissioners may establish rules and regulations in reference to managing the interest and business of the county under ORS 203.010, 203.035 and 203.111.

The Marion County Board of Commissioners expresses the governing body’s formal, organizational position of fundamental issues or specific repetitive situations through formally adopted, written policy statements. The Marion County Administrative Policies and Procedures manual of the Board of Commissioners outlines the forms and process through which the board takes official action on administrative policy, and is the official record of county administrative policy.

**APPLICABILITY:** All county employees and the general public

**GENERAL POLICY:** The ADA and ADAA prohibit state or local government employers from discriminating against qualified individuals with disabilities in employment practices and access to public programs, activities, and services. Employment practices include job application procedures, hiring, firing, advancement, compensation, training and other terms, conditions and privileges of employment.

**POLICY GUIDELINES:**

1. Responsibilities and Implementation:

Business services is responsible for implementing this policy, including responding to employment practices and facility accessibility issues and complaints. Employment-related requests and claims are handled by Marion County Business Services - Human Resources

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Program. ADA/Section 504 claims regarding access to public programs, activities or services are handled by Marion County Business Services - Risk Management Program.

### 2. Definitions:

#### 2.1. "Disability"

Disability is defined under the ADAA as:

2.1.1. A physical or mental impairment, which substantially limits a major life activities;

2.1.2. A record of physical or mental impairment that substantially limits 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 (formerly referred to as "regarded as").

2.1.3.1. The regulations define "physical or mental impairment" as any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body system, such as neurological, musculoskeletal, special sense organs, respiratory, cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin and endocrine. Also covered are any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness and specific learning disabilities.

2.1.4. The regulations define "major life activities" to include caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working. The regulations include the operations of major bodily functions.

2.2 Reasonable accommodation is defined as including: making existing facilities readily accessible and usable by individuals with disabilities; job restructuring; part-time and modified work schedules; reassignment to a vacant position; acquisition or modification of equipment and/or devices; adjustment or modification of examinations; adjustment or modification of training materials; and, adjustment or modification of policies and similar activities.

### 3. Employment Accommodation:

Each department is responsible for identifying the essential functions of each position within its department. The essential functions of a position are identified prior to recruitment and updated annually. Functions of a position are considered essential if:

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- 3.1. the position exists to perform the function; or,
- 3.2. there are a limited number of other employees available to perform the function or among whom the function can be distributed; or,
- 3.3. a function is highly specialized and the person in the position is hired for his/her expertise or ability to perform the function.

Whenever possible, Marion County will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job. An individual, who can be reasonably accommodated for a job without undue hardship to the employer, will be given the same consideration for a position as any other applicant. Reasonable accommodation requests will be reviewed by the ADA Core Team, which serves as Marion County's ADA Committee. This committee will approve appropriate accommodations.

4. Exception for Significant Risk:

Job applicants who pose a significant risk to the health and safety of others, for whom the risk cannot be eliminated by providing a reasonable accommodation, will not be hired.

Employees who may pose a significant risk to the health and safety of others, for whom the risk cannot be eliminated by providing a reasonable accommodation, will be placed on a leave of absence until a decision is made regarding their employment status.

5. Medical Records:

Medical records regarding an employee's disability or an applicant's disability will be kept separate from other applicant files and employee files.

6. Physical and Service Accessibility under the ADAA:

- 6.1. New buildings must be built so that they are readily accessible to individuals with disabilities. On existing buildings, architectural barriers must be removed, if possible, without great difficulty or expense to the employer. If a building is renovated, the renovated portion must be made accessible to individuals with disabilities.
- 6.2. Service accessibility includes removing procedural barriers, which may cause individuals with disabilities to be unable to access public services.

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7. Department Accessibility Plans:

Each department is required to maintain and annually review its plans for assuring physical and service accessibility.

8. Periodic Review:

This policy will be reviewed and updated as required.

Approved: 1/97  
Revised: 4/05  
2/09  
11/11