

CITY OF SPOKANE ADMINISTRATIVE POLICY AND PROCEDURE	ADMIN 0620-06-032 LGL 2006-25
TITLE: REASONABLE ACCOMMODATION EFFECTIVE DATE: January 26, 1992 REVISION EFFECTIVE DATE: June 28, 2006	

1.0 GENERAL

1.1 The employment provisions of the Americans With Disabilities Act of 1990 became applicable to local governments on January 26, 1992. One of the provisions of the act requires that reasonable accommodation be extended to a qualified individual with a disability **if the individual can perform the essential functions of the position held or desired**, with or without reasonable accommodation. In general, an accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities.

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2.0 DEPARTMENTS/DIVISIONS AFFECTED

This policy shall apply to all City divisions and departments.

3.0 REFERENCES

- 42 U.S.C. sec. 12101 et. Seq.
- 20 C.F.R. part 1630
- 49.60 R.C.W.

4.0 DEFINITIONS

- 4.1 "Reasonable Accommodation" means: (1) modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or (2) modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or (3) modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.

5.0 POLICY

- 5.1 It is the policy of the City to employ, promote, and to train qualified individuals without discriminating against them on the basis of a covered physical or mental disability. It is also the policy of the City to provide reasonable accommodation to all qualified individuals with disabilities who can perform the essential functions of the positions held or desired.

5.2 Reasonable Accommodations Provided

- 5.2.1 Reasonable accommodations may include, but are not limited to, the following:

- a. Making existing facilities used by employees readily accessible to, and usable by, employees with disabilities.
- b. Restructuring of job assignments.
- c. Reallocating peripheral job functions.
- d. Establishing part-time positions and/or modifying work schedules.
- e. Reassigning an employee to a vacant position which the employee is qualified to perform.
- f. Providing equipment and assistive devices where needed.
- g. Providing qualified readers and/or interpreters and modifications or adjustments to the job application process that enables a qualified applicant with a disability to be considered for a particular job. The City may require medical documentation of the need for reasonable accommodation.

- h. Providing communication systems for the sensory impaired.

Each case will be judged on its own merits; what may be reasonable in one case may be an undue hardship in another.

- 5.2.2 Reasonable accommodation does not include providing a prosthetic limb, wheelchair, or eyeglasses to an individual or providing as an accommodation any amenity or convenience that is not job related and that is not provided to employees without disabilities.
- 5.2.3 The City shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified applicant or employee with a disability, unless providing that accommodation would impose an undue hardship on the operation of the City.
- 5.2.4 At times, the most reasonable accommodation may be to transfer an employee with a disability to a vacant position in another department. The City - not any particular department - is the employer, and the City will take the appropriate course of action on placements so as to meet its obligations. The gaining department may refuse to take a transferred employee with a disability only for just cause.

6.0 PROCEDURE

6.1 Reasonable Accommodation Guidelines for Employees

- 6.1.1 The City is obligated to make an accommodation only to the known limitations of an otherwise qualified employee. A qualified employee is one who meets the skill, experience, education or other requirements of an employment position that he/she holds or seeks, and who can perform the "essential functions" of the position with or without reasonable accommodation. Reasonable accommodation will be provided according to the following guidelines:
 - a. The employee must notify the department head of the need for an accommodation. If the need is not obvious, or if the department questions whether the accommodation is needed, the department may request documentation of the individual's functional limitations to support the request. Documentation must be in written form from a recognized authority having knowledge of the employee's functional limitations.
 - b. The Human Resources Department, in consultation with the appropriate bargaining representative, will analyze the particular job and confirm its essential functions and requirements.

- c. The Human Resources Department, in consultation with the employee, will ascertain the employee's precise physical or mental limitations as they relate to the essential job functions, identifying the barriers to job performance and assessing how those barriers could be overcome.
- d. The Human Resources Department, in consultation with the employee and the appropriate bargaining representative, will identify potential accommodations and assess how effective each would be in enabling the employee to perform essential job functions. Technical and financial resources outside the city structure also may be utilized.
- e. The Human Resources Department will determine the accommodation that best serves the needs of the employee and the department after considering the preference of the employee. If the employee requests an accommodation more costly than the one offered by the City, that accommodation shall be granted provided the employee agrees to pay the amount that exceeds the cost of the reasonable accommodation offered by the City.

6.1.2 Reassignment to a vacant position should be considered only when an accommodation is not possible in the employee's present job, or when accommodation in the present job creates undue hardship for the City, or if both the employee and the City agree that reassignment is more appropriate than providing an accommodation in the present job. Reassignment will be accomplished by the following guidelines:

- a. The Human Resources Department, in consultation with the Civil Service Department, will assess the skills and abilities of the employee and determine other jobs for which the employee is qualified to perform.
- b. The Human Resources Department, in consultation with the Civil Service Department and the appropriate bargaining representative, will identify departmental positions equivalent to the one presently held by the affected employee in terms of pay and other job status for which the employee is qualified to perform. If the position is vacant or will be vacant within a reasonable period of time, the employee shall be reassigned to that position.
- c. If there are no departmental equivalent positions available, the Human Resources Department, in consultation with the Civil Service Department and the appropriate bargaining

representative, will identify equivalent positions, (as specified in b above) within the City structure. If the position is vacant or will be vacant within a reasonable period of time, the employee shall be reassigned to that position.

- d. If reassignment to an equivalent position in terms of pay and other job status is not possible the Human Resources Department may assign the employee to a lower-graded position. In such situations, the individual's salary shall be set at the step which results in the least reduction in salary.

6.1.3 If accommodation cannot be achieved through reassignment, the employee may be placed on lay-off status. The City shall take affirmative steps to assist the employee in finding a position that employee is qualified to fill, by informing the individual of such openings.

6.2 Responsibilities / Administration

6.2.1 Appointing officials are responsible for providing reasonable accommodation where indicated.

6.2.2 The Human Resources Department is responsible for providing guidance and advice to appointing officials.

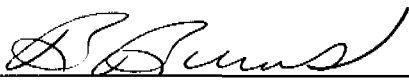
7.0 RESPONSIBILITIES

7.1 The Human Resources Department shall administer this policy.

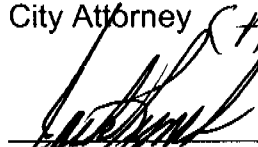
8.0 APPENDICES

None

APPROVED BY:



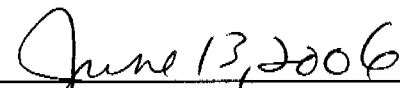
City Attorney (Asst)



Deputy Mayor



Director



Date