

Gila County Human Resources	Policy Number: BOS-HRS-115	Page
	Replaces: Rule 25	
	Adopted: 12-17-2013	1 of 4
AMERICANS WITH DISABILITIES AND REASONABLE ACCOMMODATION	Revised:	

I. PURPOSE:

To affirm Gila County's commitment to reasonably accommodate qualified individuals with legally protected disabilities in compliance with The American's with Disabilities Act (ADA), as amended in 2008 and any other Federal and State laws concerning the employment of qualified persons with protected disabilities.

II. APPLICABILITY:

All Gila County elected officials, employees, and job applicants.

III. POLICY:

- A. Gila County will not discriminate against qualified individuals with legally protected disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment.
- B. Gila County does not discriminate against individuals due to their relationship or association with an individual with a known disability.
- C. Gila County will consider reasonable accommodation requests for qualified individuals so that they can perform the essential functions of a job.
- D. An applicant who can be reasonably accommodated for a job, without undue hardship to the County, will be given the same consideration for that position as any other qualified applicant.
- E. All employees are required to comply with health and safety standards and no individual can be allowed to work in any manner which may pose a direct threat to the health or safety of themselves or other individuals in the workplace.

SIGNATURE:



CHAIRMAN, BOARD OF SUPERVISORS

12-17-2013

DATE

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IV. PROCEDURES

A. Legally Protected Disabilities

Legally protected disabilities include:

1. A physical or mental impairment that substantially limits one or more major life activities;
2. Having a record of such an impairment; or
3. Being regarded as having such an impairment.

B. Reasonable Accommodation Request Process

1. Employees may request reasonable accommodation to:
 - a. Complete an application process;
 - b. Take a test;
 - c. Perform essential functions of the job;
 - d. Have the same benefits and privileges of non-disabled employees.
2. The accommodation process is initiated when the employee makes a written request for an accommodation to Human Resources. The request must indicate the disability which makes the accommodation necessary. If the employee has a proposed accommodation, it should be noted in the request. Each accommodation request will be considered on a case by case basis.
3. Upon receiving a request for accommodation, Human Resources will determine whether the employee meets eligibility requirements under the law and County policy.
4. In order to make the determination, medical documentation from the employee's health care provider may be required. If the information provided is not sufficient, Human Resources may either request that the employee receive clarification from their health care provider or may request the employee undergo an additional examination by a health care provider of the County's choosing. The additional examination will be at the expense of the County.
5. All employees are required to comply with health and safety standards. Potential reasonable accommodation(s) will be evaluated based on the ability to facilitate safe and successful job performance as well as associated costs of the accommodation(s). An employee who poses a direct threat to the health or safety of other employees in

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the workplace, will be placed on leave with pay until a decision has been made in regard to the employee's immediate employment situation.

6. The County will not undertake accommodation that would cause or result in an undue hardship to the County.
7. If it is determined that an employee has a disability that is covered by the ADA, the County will engage in an interactive accommodation process which includes meaningful dialogue with the employee to find the best means of accommodating the disability.
8. If reasonable accommodation is not possible, the employee will be considered for other available positions for which the employee is qualified and able to perform, even if the position is not in the same job grade. In the event that a position is offered but is refused by the employee, the employee's employment will be terminated.
9. No appointing authority, manager, or supervisor shall grant a reasonable accommodation request without consulting with the Human Resources Department.
10. Some reasonable accommodation(s) may require the approval of the Board of Supervisors prior to being granted.

F. Medical Information

1. All medical information pertaining to accommodation requests shall be maintained in secured files, separate from the employee's personnel file, and treated as confidential, except that:
 - a. Management staff may be informed regarding necessary work restrictions or accommodations on a need to know basis; and
 - b. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment.

G. Applicants

1. The process for applicants will be the same as the process for employees with the exception that other County vacancies will not be explored should an accommodation in the job opening for which the applicant applied not be available.
2. Applicants who pose a direct threat to the health or safety of other individuals in the workplace, when such threat cannot be eliminated by reasonable accommodation, will not be hired.

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H. Complaints

1. Employees or prospective employees who believe they have a legally protected disability and feel they have been discriminated against due to that disability or who feel they have been discriminated against due to their relationship or association with an individual with a known disability, should contact the Human Resources Director.
2. All complaints will be investigated carefully. The concerned employee or prospective employee will be notified as to the outcome of the investigation and any action that will be taken.
3. Employees or prospective employees who make claims or complaints under this policy shall be protected from retaliation.

I. Discipline

Any employee found to have violated this policy or related procedures shall be subject to disciplinary action up to and including termination.