

**SALT LAKE COUNTY HUMAN RESOURCES POLICY AND PROCEDURE****REASONABLE ACCOMMODATIONS GUIDELINES****REFERENCE**

Americans with Disabilities Act of 1990, as amended  
Countywide Policy & Procedure:  
    Americans with Disabilities Complaint Procedure  
Human Resources Policy & Procedure:  
    General Definitions  
    Discrimination and Reprisal  
    Workers' Compensation

**POLICY**

It is the policy of Salt Lake County to comply with the provisions of the Americans with Disabilities Act in providing reasonable accommodations to the known physical and mental limitations of a qualified applicant or employee unless the accommodation would impose an undue hardship.

**PURPOSE**

To provide guidance in determining types of reasonable accommodations that qualified individuals, as defined by the Americans with Disabilities Act, may require. To implement a procedure to document inability to provide an accommodation due to undue hardship and information regarding the appeal process.

**PROCEDURE**

- 1.0 Reasonable accommodations shall be provided to qualified applicants or employees who can perform the essential functions of the position held or sought unless the Division, Department or Elected Office can demonstrate undue hardship.
- 2.0 The Human Resources Division and other hiring authorities shall provide reasonable accommodations to qualified applicants in the application and examination process. These accommodations may include providing assistance in filling out the employment application, rescheduling the examination, moving the examination to an alternative location, reading the test to the applicant, providing interpreters, visual aids, enlarged print, extending time limits, etc.
  - 2.1 Requests for reasonable accommodations must be received by the Human Resources Division at least five working days prior to the examination.
- 2.2 All requests will be reviewed on a case-by-case basis and decisions will be based on the type of request, the applicant's disability and the nature of the job.
- 2.3 Upon request and five working days notice, administrators or hiring authorities

shall provide disabled applicants reasonable accommodations in the interview process.

- 3.0 Administrators may not ask whether an applicant or an employee has a disability or inquire as to the severity of the disability.
  - 3.1 Administrators may inquire whether the applicant or employee is able to perform the essential functions of the job with or without reasonable accommodations.
- 4.0 It shall be the responsibility of the Administrator to have a current job description on file which identifies the essential functions of a position before a vacancy is advertised or filled.
  - 4.1 Administrators may inform the applicant or employee of the availability of accommodations and provide the individual with the opportunity to voluntarily suggest reasonable accommodations.
  - 4.2 It shall be the responsibility of the qualified applicant or employee to request the type of accommodation necessary to perform the essential functions of the job.
  - 4.3 Administrators may require the applicant or employee to justify, through medical documentation, the need for an accommodation.

#### REASONABLE ACCOMMODATIONS

- 5.0 Reasonable accommodations are required to ensure equal employment opportunity in the application process, enable the disabled applicant or employee to perform the essential functions of the job and to enable the disabled applicant or employee to enjoy benefits and privileges equal to that of non-disabled employees. Reasonable accommodations may include:
  - 5.1 restructuring jobs (elimination of non-essential tasks, reassignment of work among co-workers, designing non-traditional procedures for task accomplishment etc.).
  - 5.2 allowing part-time work or modifying work schedules,
  - 5.3 making facilities used by employees accessible to the disabled (removing architectural barriers),
  - 5.4 acquiring or modifying equipment or devices,
  - 5.5 providing readers or interpreters,
  - 5.6 reassigning or transferring an employee to a vacant position,
  - 5.7 adjusting or modifying examinations, training materials or policies.

#### TRANSFERS/REASSIGNMENTS

- 6.0 In cases where an employee is unable to continue performing, with or without accommodations, the essential functions of the position held due to a permanent disability, Administrators shall have thirty (30) days in which to attempt to transfer or reassign the employee to a vacant position within their Division, Department or Elected Office.
- 6.1 The employee may be placed on a leave of absence without pay while the Division, Department or Elected Office attempts to place the employee in another position.
- 6.2 Departments, Divisions or Elected Offices who are unable to reassign or transfer a disabled employee shall notify the Human Resources Division Director and the EEO Manager or designee immediately.
- 6.3 The Human Resources Division shall have sixty (60) days to evaluate the vacancies available throughout Salt Lake County in an effort to identify a position for which the employee may qualify and where the disability can be reasonably accommodated.
- 6.3.1 During this period of time the employee shall continue to be on leave without pay.
- 6.4 If a position is available for which the employee qualifies, the Human Resources Division Director in consultation with the Administrator of the Department, Division or Elected Office where the vacancy exists, will effectuate a transfer.
- 6.5 If a position is not found within County Government the employee shall be terminated by the Administrator or designee.
- 6.5.1 The terminated employee may appeal directly to the Career Service Council using H. R. Policy 5710
- 6.5.2 The Human Resources Division shall notify the terminated employee of any positions that become available within the next 30 days following the termination of employment.
- 6.6 Except where undue hardship to the County has been demonstrated, employees may not be terminated due to their inability to perform essential functions of the job if the inability is directly related to the County's failure to remove architectural barriers.
- 7.0 The cost of an accommodation shall be borne by the Division, Department or Elected Office.
- 7.1 Divisions, Departments or Elected Offices who are financially incapable of providing a reasonable accommodation may solicit assistance from the Mayor.
- 7.1.1 A letter shall be submitted to the Council identifying the accommodation, its cost and documenting the agency's inability to bear the expense. A copy of this letter shall be forwarded to the EEO Manager or designee.
- 7.2 Qualified applicants or employees who voluntarily offer to contribute toward the

expense of an accommodation may be allowed to do so.

- 7.3 Qualified applicants or employees who wish to bring to the work environment equipment or devices that would facilitate their performing the essential functions of the job may be allowed to do so unless said equipment or device is unreasonably or extraordinarily disruptive.

#### UNDUE HARDSHIP

- 8.0 Before an applicant or an employee is denied an employment opportunity because the accommodation required would pose an undue hardship, the Division, Department or Elected Office must consider the following:
- 8.1 nature and cost of the accommodation;
  - 8.2 the impact of the accommodation on the facility;
  - 8.3 the impact of the accommodation on other employees' ability to perform their duties;
  - 8.4 impact of the accommodation on the ability to conduct business or provide services;
  - 8.5 the financial resources of the Division, Department or Elected Office and of Salt Lake County;
  - 8.6 the effect on expenses and resources and
  - 8.7 the type of the employer's operation, function and structure.
- 9.0 Divisions, Departments and Elected Offices who are unable to provide an accommodation, as in paragraph 5.0, must document their inability to provide the accommodation.
- 9.1 A letter/memorandum which follows the considerations outlined in paragraph 5.0 shall be submitted to the EEO Manager or designee within five (5) working days of having informed the applicant or employee of the agency's inability to provide the accommodation.
- 9.1.1 Division, Departments or Elected Offices must be able to document that they provided consultation with the individual requesting an accommodation.
    - 9.1.1.1 Administrators are encouraged to consult with the EEO Manager or designee before a request for an accommodation is rejected in order to assess the reasonableness of the denial and verify that all resources available to the County have been explored.
  - 9.1.2 A copy of the documentation shall be retained by the Division, Department or Elected Office and shall be made available to the applicant or employee for review.
- 9.2 Upon notifying an applicant or employee of the County's inability to provide the

requested accommodation, the applicant or employee shall be provided a copy of the Grievance Procedure or the Americans with Disabilities Act Complaint Procedure as applicable.

- 10.0 Administrators are not required to lower performance standards to make an accommodation.
  - 10.1 Disabled employees are required to follow the same rules, policies, procedures or standards others are required to adhere to in the work environment.
- 11.0 Any accommodation that would pose a significant health or safety risk to the qualified applicant, employee or others in the workplace is not reasonable.

APPROVED AND PASSED THIS 10<sup>TH</sup> DAY OF MARCH, 2009