

CITY PERSONNEL POLICY

REASONABLE ACCOMMODATIONS IN EMPLOYMENT

Policy # 24-00

Approved by Personnel Board: 8/26/99

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Approved by City Council: 4/4/00

Council President Paul Koneck

Pursuant to the Omaha City Code, Section 23-65, the following is declared to be the policy of the City of Omaha. Please check the City's e-mail system in the Public Folders under Personnel Department for the latest amendments to this policy. Additional information on the Americans with Disabilities Act (ADA) can be found on the websites of the U. S. Department of Justice (www.usdoj.gov/crt/ada) and the U. S. Equal Employment Opportunity Commission (www.eeoc.gov/policy/guidance).

Policy

The City of Omaha shall provide reasonable accommodation to ensure equal employment opportunity to any applicant or employee who is an individual with a disability and to any employee with permanent medical restrictions affecting the ability to perform the employee's essential job functions.

Definitions

An "individual with a disability" is a person who has:

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

"Reasonable accommodation" is a modification or adjustment to a hiring process, a job, the work environment, or the way things usually are done that enables a qualified individual with a disability to enjoy an equal employment opportunity. The City may not be able to offer an accommodation to every person who requests accommodation. For example, the City will not create new positions or disrupt the work environment through transfers in order to make an accommodation. Some examples of reasonable accommodations:

1. making facilities readily accessible to and usable by an individual with a disability;
2. restructuring a job by reallocating or redistributing marginal job functions;
3. altering when or how an essential job function is performed;
4. obtaining or modifying equipment or devices;
5. providing qualified readers or interpreters;

6. allowing an employee to provide equipment or devices that an employer is not required to provide.

Reasonable Accommodation for Applicants

1. Any applicant who is an individual with a disability and requires an accommodation for an employment examination, interview, or any part of an employment selection process, must advise the Personnel Department at the time of application. The request may be made on the Americans with Disabilities Act (ADA) Supplement to the employment application or in a separate written communication to the Personnel Director.
2. The Personnel Department will advise and assist the hiring department in providing any reasonable accommodations necessary for the employment interview when a qualified individual with a known disability is referred. The Personnel Department may be unable to pre-determine accommodation needs for some interviews. If, during the course of an interview, the need for accommodation becomes apparent and the conduct of the interview is adversely affected, the interviewer shall recess the interview and contact the Personnel Department for assistance in providing a reasonable accommodation, as appropriate, to facilitate the interview process. If the supervisor has any questions regarding job interview accommodations, he/she should contact the Personnel Director.
3. An applicant's need for reasonable accommodation for the performance of job duties may first become apparent during the employment interview. If the interviewer believes the applicant will need reasonable accommodation because of
 - a) an obvious disability; or
 - b) the applicant's voluntary disclosure of information about a hidden disability; or
 - c) the applicant's voluntary disclosure of the need for reasonable accommodation to perform the job,

the interviewer may inquire whether the applicant needs reasonable accommodation and what type of reasonable accommodation would allow performance of the job functions. This information should be communicated to the Personnel Director before a hiring decision is made so that compliance with this policy can be assured.

Reasonable Accommodation for Employees

1. Performance of Job Duties. An employee who is an individual with a disability, or who is placed on permanent medical restrictions that prohibit the normal performance of essential job functions, and who desires to maintain employment with the City of Omaha, must complete and submit to his/her supervisor a Request for Reasonable Accommodation form. (The form is available in the Personnel Department or on the City's e-mail system in the Public Folders. Submission of this form begins the process of determining whether implementation of a reasonable accommodation will allow the employee to maintain employment in his/her current classification. If no such reasonable accommodation can be identified and implemented in the employee's current

classification, the possibility of reassignment to a vacancy in a classification at a lateral or lower level of pay will be investigated to determine whether reasonable accommodation is possible.

2. **Hiring Process for Promotional Opportunities.** An employee who is an individual with a disability, or who has permanent medical restrictions, who believes he/she requires reasonable accommodation for an employment examination, or any part of an employment selection process, or for the performance of duties of the position sought, is expected to make the accommodation request, in writing, to the Personnel Director as soon as reasonably possible. If the need for accommodation is initially identified during an interview with the hiring department, the interviewer shall provide information regarding all discussions of reasonable accommodation to the Personnel Director prior to completing the selection process. This information should be communicated to the Personnel Director before a hiring decision is made so that compliance with this policy can be assured.
3. Prior to completion of a personnel action which in any way affects an employee who is an individual with a disability, or who has permanent medical restrictions, the department head must contact the Personnel Director for approval.

Accommodations Committee

The purpose of the Accommodations Committee is to consider the facts surrounding an accommodation request and to determine whether a reasonable accommodation can be implemented.

1. An Accommodations Committee will be convened by the Personnel Director to lend decision-making support on all Request for Reasonable Accommodation cases referred by a supervisor to the Personnel Department for further action.
2. An Accommodations Committee may be convened at the discretion of the Personnel Director to lend decision-making support on requests for accommodation in the employment selection process for applicants and employees competing for promotion.
3. The Accommodations Committee shall consist of the applicant or employee requesting accommodation, the appropriate supervisor, division manger and/or department director, and the Personnel Director or his/her designee. The Personnel Director may also appoint additional members to this committee, including outside consultants, as deemed appropriate.
4. Accommodations Committee members shall consider the particular job involved, as well as the applicant's/employee's specific physical and mental abilities and limitations, noting that the process of identifying a reasonable accommodation relies on dialogue with the applicant/employee and an understanding of his/her particular needs and proposals. Potential accommodations are then evaluated to assess their effectiveness and impact on the operation of business. Accommodations are deemed to be reasonable

and shall be granted when the needs of the individual and the City of Omaha are served and no undue hardship is imposed on the operation of business.

5. Accommodations Committee discussion may occur in person, by phone or by e-mail.
6. Reasonable accommodations granted shall be documented on the Request for Reasonable Accommodation form to ensure a clear understanding by all parties. The confidential Request for Reasonable Accommodation form shall be disseminated on a strict need-to-know basis.
7. The granting of a reasonable accommodation does not infer nor deny that the person being accommodated is covered by the ADA, nor that the person is regarded as having an impairment that substantially limits a major life function.

Policy Limitations

1. The City of Omaha will not grant an accommodation request if doing so would impose an undue hardship on the operation of business (i.e., result in significant difficulty or expense).
2. The City of Omaha will not create a new job or promote an employee based on the employee's request for accommodation. The City of Omaha will not bump another employee to a lower classification, terminate or lay off another employee in order to create a vacancy for an employee requesting accommodation.
3. In making a decision as to what is a reasonable accommodation, the City will consider the requirements of Chapter 23 of the Omaha Municipal Code and applicable bargaining agreements.
4. This policy does not apply to individuals with temporary medical restrictions. Employees with temporary medical restrictions are covered by leave provisions and temporary light duty assignments (See, City Personnel Policy - Limited Duty: Return to Work After Injury or Illness).