

Policy: Americans with Disabilities Act - Reasonable Accommodation

Policy Statement: It is the policy of the City of Tacoma not to discriminate on the basis of disability against any qualified person. To this end all decisions relating to employment including, but not limited to recruitment, selection, training, assignment, promotion, compensation, transfer, benefits, and education, will be determined by the applicant's or employee's ability with consideration of any requested reasonable accommodation. This policy is applicable to all employment policies and practices. The City also provides reasonable accommodation in connection with the provision of City services, programs, and activities.

Purpose: This policy is intended to assist applicants for employment, current employees, individuals desiring to participate in City sponsored programs or activities, and department supervisors and managers in requesting and processing reasonable accommodation requests. Accommodation requests from members of the public should be referred to the [Human Rights and Human Services Department ADA Program \(HRHS\)](#) webpage.

This policy applies to all employees, both represented and nonrepresented. Represented employees should refer to the Collective Bargaining Agreement (CBA) for any provision that may supersede any portion of this policy.

Background: The City is committed to complying with the provisions outlined in the Americans with Disabilities Act (ADA); the ADA Amendments Act and the Washington Law Against Discrimination regarding equal treatment in its employment practices, programs, services and facilities for persons with disabilities. Reasonable accommodations will be provided to qualified individuals with disabilities when such accommodations are directly related to performing the essential functions of a job, competing for a job, or to enjoy equal benefits and privileges of employment. The City will:

- Encourage the recruitment, hiring and reasonable accommodation of qualified individuals with disabilities,
- Facilitate the reasonable accommodation process,
- Provide reasonable accommodations for qualified employees with disabilities, and
- Ensure that all employees and managers will be informed of this policy through regular Equal Employment Opportunity education and training opportunities.

Definitions

A. Disabilities Manager

The Disabilities Manager is located in the Human Resources, Risk Management office and manages the reasonable accommodation program for employment related issues.

B. Essential Functions

The essential functions of the job are the fundamental job duties an employee is required to perform. This term does not include marginal duties. Marginal or non-essential job functions are those that could be redesigned or reassigned to other employees, if necessary.

C. Human Resources, Risk Management

The Human Resources, Risk Management office serves as a centralized information center regarding employment related disability issues. Risk Management is a City resource for all supervisors regarding disability related matters. Risk Management works with management to facilitate the disability accommodation requests of employees and applicants and is responsible for record keeping and the confidential storage of related information.

D. Human Rights/Human Services (HRHS) ADA Coordinator

The ADA Coordinator located at Human Rights/Human Services ensures that members of the public enjoy the benefits of programs, services and activities of the City of Tacoma (for non-employment related issues).

E. Individual with a Disability

Under State law, any person who has a sensory, mental, or physical impairment that is medically cognizable or diagnosable, exists as a record or history, or is perceived to exist whether or not it exists in fact. Under federal law, any person who has a physical or mental impairment that substantially limits a major life activity, has a record of such an impairment or is regarded as having such an impairment.

F. Interactive Process

An ongoing dialogue between the employee and supervisor, with assistance from Risk Management as needed, to determine what reasonable accommodation options may be available for the employee and if the accommodation is working effectively.

G. Qualified individual with a Disability

An individual with a disability, whose skills, experience, education, and/or training, enable the person, with or without reasonable accommodation, to perform the essential functions of the job, under local, state, or federal law.

H. Reasonable Accommodation

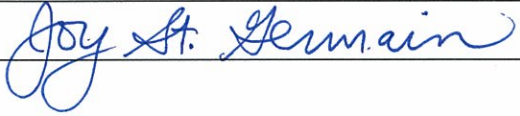
Modification or adjustments made for the disability of an employee or applicant by structuring the job or work environment in a manner that will enable a qualified individual with a disability to perform the essential functions of the job and not impose an undue hardship on the operation of the City.

I. Risk Management

Risk Management, Human Resources Department, will serve as a centralized information center regarding disability issues. Risk Management will be a City resource for all supervisors regarding disability issues. Risk Management will work with management to facilitate the disability reasonable accommodation requests of employees and applicants and will be responsible for record keeping and the confidential storage of related information.

J. Undue Hardship

An undue hardship, as defined in federal, state, or local laws, causes significant difficulty in relation to the size of the employer, resources available, and the nature of the operation. Undue hardship is determined on a case-by-case basis and may include unjustified costs; extensive, substantial, or disruptive burden; or a hardship that would fundamentally alter the nature or operation of the business.

Reference:	Americans with Disabilities Act Washington Law Against Discrimination Americans with Disabilities Act as Amended; Tacoma Municipal Code (TMC) 1.12.240 Sick Leave without Pay TMC 1.24.750 Reinstatement (b) Collective Bargaining Agreement(s)
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Policy History:	New
Approval:	Joy St. Germain, Human Resources Director 
Date:	10/26/2011