



Approved:

City of Riverside, California
Human Resources Policy and Procedure Manual

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SUBJECT: REASONABLE ACCOMMODATION FOR DISABLED APPLICANTS AND EMPLOYEES

PURPOSE:

To make equitable, uniform, and timely decisions which will assure that reasonable accommodations are provided to disabled applicants and employees of the City as required by the Americans with Disabilities Act (the "ADA"), the disability provisions of the California Fair Employment and Housing Act ("FEHA"), and other applicable law.

POLICY:

1. Basic Obligation

The City of Riverside continues to uphold its commitment of nondiscrimination in its employment practices by ensuring that qualified individuals with disabilities have equal access to employment opportunities available to non-disabled qualified individuals.

As part of this effort, the City is obligated to make reasonable accommodation for the known disabilities of applicants and employees to enable them to perform a position's essential functions, as required by law.

2. Request for Reasonable Accommodation

It is the duty of an individual to request an accommodation by completing the Reasonable Accommodation Request Form and submitting it to the Human Resources Department. The City may initiate a discussion concerning the need for an accommodation when an individual with a known disability is having job performance problems or appears to pose a direct threat to the health or safety of the individual, other workers, or the public.

When a supervisor is made aware of a request for accommodation or believes, based on reasonable information, that an accommodation may be necessary, the supervisor must contact Human Resources. A request for accommodation does not have to use the term "reasonable accommodation." Human Resources will work with the supervisor and management to process the accommodation request or situation.

The City's Employment Application shall include a statement indicating that the City shall consider any request for reasonable accommodation made by an applicant.

3. Necessary Information

An individual seeking reasonable accommodation has the responsibility to understand his or her own physical or mental condition well enough to present the City at the earliest opportunity with a concise list of restrictions that must be met to achieve reasonable accommodation.

Where the accommodation request is unclear or its need is not obvious, the City may request that the individual document the need for the accommodation requested. The City may not request medical diagnosis information to determine whether the individual is disabled. The City may ask the individual about work tasks that he or she cannot perform because of the disability, the individual's performance limitations due to the disability, and any limitations that impact the health or safety of the individual, other workers, or the public.

If necessary, the City may seek the consent of the individual to communicate directly with the individual's medical provider. Such communication requires written consent of the individual.

If an individual fails to submit information that is legally requested by the City and necessary for the City to process the accommodation request, then the City will be unable to determine what, if any, reasonable accommodation is available.

If an individual requesting accommodation does not provide sufficient documentation from his or her medical provider and continues not to do so after the City requests such documentation, the City may require the individual to undergo a medical examination to determine whether the individual can perform the essential functions of the position with or without reasonable accommodation.

When responding to any request for medical information, employees should be aware of the Genetic Information and Nondiscrimination Act:

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, the City requires that employees not provide any genetic information when responding to a request for medical information. "Genetic information" as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services (29 C.F.R. § 1635.8).

4. Determining the Reasonable Accommodation

While processing a request for accommodation, Human Resources in collaboration with the relevant Department shall:

- A. Consult with the disabled individual to identify the individual's precise job-related limitations resulting from the disability, including the task or work environment factors that prevent the individual from performing the duties of the position;
- B. Analyze the position in question, including determining whether the job description is accurate or complete, and determine the position's essential functions;
- C. Consult with the individual to identify potential accommodations and assess their feasibility and their effectiveness in enabling the individual to perform the essential functions of the position; and
- D. Consider the individual's preference and select the accommodation most appropriate for both the City and the employee. The City retains the discretion to choose among various effective accommodations.

Typical accommodations include improving access to workplace facilities, physically altering workplace facilities, modifying or providing certain equipment or devices, reallocating non-essential job duties, altering work schedules, reassignment to a vacant position, or modifying tests or training materials. Whether any of these accommodations is reasonable depends on the specific disability limitations and position in question.

The City is not obligated or required to create a new job, displace another employee, or violate established seniority or related systems in order to reasonably accommodate a disabled individual.

5. When Accommodation Not Required

A review of a situation may determine that reasonable accommodation cannot be made because one or more of the following:

- A. The individual's condition is not a disability under the ADA and FEHA;
- B. The individual's condition does not result in limitations that prevent the individual from performing the essential duties of his or her position;
- C. No accommodation is available that is reasonable;
- D. The accommodation would create an undue hardship on the City;
- E. Allowing the disabled individual to work would create a direct threat to the health or safety of the individual, other workers, or the public, and such threat cannot be eliminated or reduced by reasonable accommodation; or

F. The individual failed to submit information legally requested by the City and necessary for the City to process the accommodation request.

6. Complaint

Any acts of unlawful discrimination should be promptly reported to upper management or to the Human Resources Director. All complaints will be investigated pursuant to the City's discrimination and harassment free workplace policy.

**City of Riverside
Human Resources Department
REASONABLE ACCOMMODATION REQUEST FORM**

Name _____ Job Title _____

Date _____ Employee Applicant

Daytime Phone Number _____

Please describe the reasonable accommodation you believe you require:

Does this reasonable accommodation pertain to a particular service, activity, or facility? If yes, please describe it:

Are you requesting reasonable accommodation only for a particular date or dates? If yes, please provide the dates:

What function(s) of the job require accommodation:

Please Note:

A City of Riverside representative may contact you to request additional information necessary to assess and or verify your request for reasonable accommodation.

FOR HUMAN RESOURCES DEPARTMENT USE ONLY

Accommodation is: Approved Denied Not Necessary

Comments: _____

Date: _____