



## **AMERICANS WITH DISABILITIES**

### **I. PURPOSE**

To ensure non-discrimination against qualified individuals with a disability in job application procedures, hiring, compensation, training, advancement, and other terms, conditions and privileges of employment. Also to ensure reasonable accommodation is offered to qualified disabled individuals unless it would impose undue hardship on the City.

### **II. SCOPE**

This policy applies to all current and prospective employees.

### **III. POLICY**

The City of Georgetown is an equal opportunity employer and, as such, requires compliance with the Americans With Disabilities Act. The Act prohibits discrimination against qualified persons with disabilities in hiring, as well as in all terms and conditions of employment. Reasonable accommodations will be offered for all known impairments to ensure equal opportunity in the application process, to enable qualified employees with disabilities to perform all the essential functions of the job, and to enjoy the benefits and privileges of employment that are enjoyed by employees without disabilities.

### **IV. DEFINITIONS**

#### **A. Individual With A Disability**

A person with a physical or mental impairment which substantially limits one or more of the major life activities; a person with a record of such an impairment; or a person who is regarded as having such as impairment.

#### **B. Mental Impairment**

Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. It does not include sexual behavior disorders and psychoactive substance disorders resulting from CURRENT illegal drug use or alcohol abuse.



C. Physical Impairment

Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the body systems. For example, individuals with arthritis, cerebral palsy, epilepsy, multiple sclerosis, HIV, cancer, heart disease, or diabetes, may be considered persons with “physical impairments”.

D. Major Life Activities

Functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. The duration or expected duration of the impairment and the actual or expected permanent or long-term impact of the impairment are factors that are considered when evaluating whether the impairment substantially limits a major life activity. For example; someone with a broken arm would not be a person with a disability because the impairment is temporary. On the other hand, someone whose arm was not treated properly and suffers a permanent condition as a result of this may be “disabled” under the Act.

V. PROCEDURE

A. Responsibility of Human Resources

Human Resources will consider all requests for reasonable accommodations.

1. Upon receipt of a request for accommodation, Human Resources will review the information provided, interview the individual seeking accommodation, and possibly investigate the circumstances surrounding the request.
2. Using the guidelines for determining reasonable accommodations, Human Resources will consider the requested accommodation in light of the following factors:
  - a. Whether the individual requesting the accommodation could be considered disabled under the ADA.
  - b. Whether the individual, regardless of the disability, is qualified for the job in question.



- c. Whether the person's disability will cause him/her to be a direct threat to the safety or health of him/herself or others, and whether there is a reasonable accommodation which would eliminate the potential threat or minimize it to an acceptable level.
  - d. Whether providing the reasonable accommodation would result in an "undue hardship" on the City.
  - e. Whether, with the accommodation, the individual would be able to perform the essential functions of the job at an acceptable level of performance.
3. If there is more than one possible accommodation, Human Resources will consider which accommodation is most reasonable for all concerned. The preferences of the employee requesting accommodation will be considered, but employee preference alone will not be sufficient reason for selecting one accommodation over another.
  4. If there is no reasonable accommodation found, Human Resources will write the employee a letter outlining the findings and explaining the process used to arrive at the decision; Human Resources will discuss the City's decision with the employee, answering any questions.

**B. Responsibility of Supervisor/Management**

1. When an employee considers that accommodation is needed, he/she should make an appointment with his/her supervisor and/or Department Head to discuss in private the disability requiring accommodation and the accommodation needed.
2. If the accommodation is reasonable and readily achievable within the scope of authority of the Department Head, the Department Head may authorize and implement the accommodation.
3. All accommodations made at the department level should be documented and forwarded to Human Resources for future reference.
4. The Department Head and the employee should arrange to review the success of the accommodation and the work performance of the employee after the accommodation has been in place for a reasonable period, usually one month.



C. Determining Reasonable Accommodations

The Act requires employers to make reasonable accommodations for disabled employees. Reasonable accommodations may include:

- Making existing facilities readily accessible to disabled individuals.
- Allowing part-time or modified work schedules.
- Reassignment of positions.
- Acquiring or modifying equipment or devices.
- Adjusting or modifying training materials.
- Providing readers or personal assistants to help with specific duties.

The accommodations to be provided depend on the nature of the employee's disability, the responsibilities of the job, and the nature of the environment. The City is not required to provide an accommodation that would impose an undue hardship on the employer, i.e., one that would cause significant difficulty or expense.

All determinations with respect to the type of accommodation to be provided must be directed to the Human Resources Department.