



Administrative Policy

REASONABLE ACCOMMODATION POLICY FOR EMPLOYEES AND APPLICANTS WITH DISABILITIES

AP No.

3-34

Effective Date:

Upon Approval

1. POLICY STATEMENT

- 1.1 The City of Houston (City) recognizes that applicants with disabilities may need reasonable accommodations to complete the hiring process.
- 1.2 Similarly, employees with disabilities may need certain accommodations to allow them to perform the essential functions of their jobs.
- 1.3 Accommodating disabilities is a procedure for making reasonable changes in the work environment to allow qualified individuals with disabilities to apply for jobs and to perform the essential functions of their jobs.
- 1.4 The objective of this policy is to provide a process for handling requests for reasonable disability accommodations.

2. POLICY PURPOSE

- 2.1 To ensure compliance with the Americans with Disabilities Act of 1990 (ADA) and the ADA Amendments Act of 2008.

3. SCOPE

- 3.1 This policy applies to all City departments and employees.
- 3.2 This policy supersedes all other executive orders, administrative procedures, Mayor's policies, or departmental policies governing reasonable accommodations, except those parts of this administrative policy, if any, that are otherwise superseded by law.

4. DEFINITIONS

Applicant: An individual, whether internal or external to the City, seeking to become a candidate for employment for a specific vacancy.

Citywide ADA Coordinator: An employee assigned to the Human Resources Department (HR) who serves as a central point of contact and advisor for ADA issues affecting the City.

Departmental ADA Liaison: One or more individuals who serve as a point of contact within a City department to assist in resolving ADA issues.

Disability: A physical or mental impairment that substantially limits one or more major life activities; a record (or past history) of such an impairment; or being regarded as having an impairment.

Employee: A person employed by the City.

Approved:

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Date Approved:

6/5/2017

Page 1 of 4

Essential Functions of the Job: Those job activities that are determined by the employer to be essential or core to performing the job; these functions cannot be modified or eliminated.

Interactive Process: A good faith effort between an employer and employee or applicant to work together to identify whether and how the specific limitations resulting from a disability may be reasonably accommodated.

5. POLICY DETAILS

5.1 Framework for Addressing Requests for Reasonable Accommodations

5.1.1 This policy provides a structured framework for determining the need and suitability of a requested accommodation.

5.1.2 It need not be mandatory in all situations, such as a minor request or a self-evident disability.

5.1.3 If considered appropriate by the HR Director, additional guidelines and forms may be developed by HR to facilitate the implementation of this reasonable accommodation procedure.

5.2 Confidentiality and Records

5.2.1 Information from all medical examinations and inquiries must be kept apart from general personnel files as a separate, confidential medical record, available only under limited conditions.

5.2.2 All forms and records related to this administrative policy shall be stored in accordance with the guidelines for document retention set up by the Administration & Regulatory Affairs Department and the City's Code of Ordinances.

6. ROLES AND RESPONSIBILITIES

6.1 Applicants are responsible for notifying the City of any accommodation needed during the application process by contacting the accommodation number listed on the job announcement.

6.2 Employees are responsible for:

6.2.1 Requesting an accommodation from the: (1) immediate supervisor; (2) Departmental ADA Liaison; or (3) Citywide ADA Coordinator.

6.2.2 Responding to requests for additional information.

6.3 Supervisors are responsible for:

6.3.1 Receiving the request for an accommodation.

6.3.2 Providing a copy of the request for an accommodation to the Departmental ADA Liaison.

6.3.3 Working with the Departmental ADA Liaison to identify the essential job functions of the position.

6.4 Departmental ADA Liaisons are responsible for:

6.4.1 Receiving the request for an accommodation.

6.4.2 Providing a copy of the request for an accommodation to the supervisor and the Citywide ADA Coordinator.

- 6.4.3 Working with the employee's immediate supervisor to identify the employee's essential job functions.
- 6.4.4 Providing the employee (if necessary) a job description and medical questionnaire with the essential functions of the job for completion by the employee's relevant health care provider or other appropriate professional to provide the City notice of which job duties the employee can perform with a reasonable accommodation.
- 6.4.5 Arranging, attending, and taking notes at the interactive process meeting.
- 6.4.6 Performing the follow-up duties from the interactive process meeting in a timely manner.

6.5 The Citywide ADA Coordinator is responsible for:

- 6.5.1 Receiving the request for an accommodation.
- 6.5.2 Providing a copy of the request for an accommodation to the Departmental ADA Liaison.
- 6.5.3 Assisting employees, supervisors, and others to understand the process for requesting an accommodation.
- 6.5.4 Notifying the employee's supervisor and the Departmental ADA Liaison that the employee has requested assistance and may need an accommodation.
- 6.5.5 Acting as the central point of contact and reference for ADA-related issues involving the City.
- 6.5.6 Forwarding documents as necessary to the Departmental ADA Liaison for retention.

6.6 The department director is responsible for designating a representative to participate in the interactive process.

6.7 The department director or designee is responsible for providing a written decision on the results of the interactive process.

7. PROCEDURES

7.1 The reasonable accommodation procedure need not be mandatory in all situations, such as a minor request or a self-evident disability; however, any request for a disability accommodation shall be reviewed by the Departmental ADA Liaison.

7.2 Request for a Reasonable Accommodation by an Applicant with a Disability

- 7.2.1 Upon receiving a request for accommodation during the application process, HR will notify and provide a copy of the request to the Departmental ADA Liaison and the Citywide ADA Coordinator.
- 7.2.2 HR, assisted by the Departmental ADA Liaison and the Citywide ADA Coordinator, will evaluate the request and determine what, if any, accommodation is reasonable.

7.3 Request for a Reasonable Accommodation by an Employee with a Disability

- 7.3.1 Any City employee may make a request for a disability accommodation to the: (1) immediate supervisor; (2) Departmental ADA Liaison; or (3) the Citywide ADA Coordinator.
- 7.3.2 Employees may need to provide medical information and identify the portions of their jobs they

are unable to perform without a reasonable accommodation.

- 7.3.3 Employees requesting an accommodation may submit a list of as many accommodation options as possible that would allow them to perform the essential functions of their job.
- 7.3.4 If required by the department in order to make a decision regarding the accommodation, the Departmental ADA Liaison shall provide the employee with a medical questionnaire and a job description for completion by the employee's relevant health care provider or other appropriate professional.
 - 7.3.4.1 Failure to respond to requests for medical information may result in a denial of the accommodation request.
- 7.3.5 Upon receipt of the completed information, the Departmental ADA Liaison will arrange an interactive process meeting. Generally, attendees include the requesting employee, the immediate supervisor, the Departmental ADA Liaison, and the department director or their designee.
- 7.3.6 The Departmental ADA Liaison shall keep records of the accommodation options that are put forward at the interactive process meeting and provide a copy of the accommodation options to the Citywide ADA Coordinator.
- 7.3.7 The department director or their designee shall make a decision and notify the employee by written correspondence.
- 7.3.8 If the employee accepts the accommodation, a memorandum of agreement shall be signed by the employee and included with the accommodation documentation.
- 7.3.9 The employee may refuse an offered accommodation; however, unless the employee is on leave, he/she continues to be responsible for performing the essential functions of his/her job, including maintaining good performance standards.

8. POLICY SPONSOR

Department: Human Resources Department