



# Americans with Disabilities Act (ADA) Policy

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Owner	Board of Commissioners (BOC)
Reviewer(s)	Human Resources
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## 1. PURPOSE

Cobb County and its employees are subject to the provisions of Title I of the Americans with Disabilities Act (ADA) prohibiting unlawful discrimination against qualified individuals with disabilities. Specifically, Title I of the ADA prohibits discrimination in job application procedures, hiring, advancement, discharge, compensation, job training, and other terms, conditions, and privileges of employment.

The ADA Amendments Act (ADAAA) became effective January 1, 2009, outlining significant changes to the definition of "disability." These changes apply to all titles of the ADA, including Title I (employment practices of private, state and local employers with 15 or more employees, etc.); Title II (programs and activities of state and local government entities); and Title III (private entities that are considered places of public accommodation).

Furthermore, it is the policy of the County to give qualified employees with disabilities reasonable accommodations (when necessary), provided however, that any accommodation made does not impose undue hardship to the County. This policy establishes guidelines when making requests for reasonable accommodations and sets forth avenues for doing so.

## 2. SCOPE

This policy affects all Board of Commissioners' Employees. If you have questions regarding this policy, contact Human Resources.

## 3. DEFINITIONS

**Reasonable accommodation** - a modification or adjustment to a job, the work environment or the routine method of doing things, that enables a qualified individual with a disability to attain the same level of performance and to satisfy all job-necessary elements of the employment assignment applicable (or enjoy equal benefits and privileges of employment) to any similarly-situated employee who does not have a disability.

**Qualified individual with a disability** - a person who has a physical or mental condition which substantially limits one or more major life activities and who can perform the essential functions of the job with or without reasonable accommodation.

**Undue hardship** - an accommodation which would require substantial difficulty or expense or fundamentally alter [or disrupt] operations.



# Americans with Disabilities Act (ADA) Policy

## 4. POLICY

It is the policy of the County to administer its human resources management program to comply with the provisions of Title I of the ADA (1990).

Human Resources/Employee Relations is responsible for the overall direction, coordination and technical assistance regarding matters relating to ADA, Title I compliance.

## 5. PROCEDURES

- A. Otherwise qualified individuals may request reasonable accommodation from the County due to their disability. In accordance with the ADA, all requests will be thoroughly reviewed to determine if they can be approved or if they represent an undue hardship on the County.
- B. To request a reasonable accommodation, employee(s) must submit requests for reasonable accommodation in writing via the **Request for Reasonable Accommodation Form** (*located on iCobb under Forms*) and submit it to their manager, supervisor, or directly to HR for review.

If a request is submitted to the immediate supervisor, the supervisor must immediately forward the request to HR for review to expedite the accommodation process.

Requests for reasonable accommodation must include documentation from the attending health care provider which identifies the current disability being treated, any work-related limitation or restrictions and the estimated or actual duration utilizing the **Medical Documentation Form** (*located on iCobb under Forms*). This form must be completed and submitted directly to HR along with the Accommodation Request prior to any request approval/denial.

Employees may grant permission for authorized HR officials to communicate directly with the attending health care provider concerning the requested accommodation. Permission is granted when an employee voluntarily submits in writing an authorization for release of information to authorized officials.

- C. Supervisors or other designated officials are to meet with employees as soon as possible to initially discuss reasonable accommodation requests. Supervisors should contact HR for guidance.

Supervisors or other designated officials should confirm discussions in writing to the employee within five (5) work days.

Any written materials resulting from discussions that identify an employee's disability or medical condition must be handled as directed in this policy.

During initial discussions, supervisors or other designated officials are prohibited from committing to approve reasonable accommodation requests. Supervisors must contact HR for guidance and approval.

- D. Reasonable accommodations may consist of temporary and modified duty assignments and permanent reassignments.
- E. Requests for reasonable accommodation will be reviewed based on a careful assessment of the following: organizational needs, available resources, the impact of disabilities on essential functions of the position; and relevant medical information concerning disabilities to be accommodated.



# Americans with Disabilities Act (ADA) Policy

- F. If disabilities or medical conditions are apparent, employees may be placed in modified work environments, given modified duties, or be temporarily reassigned during the review period, if such accommodations are possible without undue hardship.
- G. Reasonable accommodation requests that a supervisor or manager feels should be denied due to undue hardship must include detailed documentation of accommodations considered and reasons for denial. Supervisors must contact HR for guidance.
- H. Written approval from appropriate authorized officials must be received in HR prior to implementing reasonable accommodations resulting in change in employment status, a change in the terms and conditions of employment, or a change in the essential functions of a position. Examples include but are not limited to temporary or permanent reassignments; significant modification of work schedules or environments; or changes in work duties and responsibilities.
- I. The following outlines an overview of ADA Requirements regarding the procedure for handling medical information.

The ADA does not limit the nature or extent of post-job-offer medical exams and inquiries. It does, however, place very strict limits on the use of information resulting from such exams and inquiries. These limits apply also to information resulting from exams or inquiries made of employees.

The Equal Employment Opportunity Commission (EEOC) cites the following language in its Technical Assistance Manual for the Americans with Disabilities Act:

“...All information obtained from post-offer-medical examinations and inquiries must be collected and maintained on separate forms, in separate medical files and must be treated as a confidential medical record. Therefore, the employer should not place any medical-related material in an employee’s personnel file. The employer should take steps to guarantee the security of the employee’s medical information...”

For the purpose of this procedure, a medical document is determined to be any document that provides any level of detail concerning a general or specific disability or medical condition. Examples include, but are not limited to:

- (a) Employee Statements of Health;
- (b) Long/Short Term Disability Benefit Claim Forms;
- (c) Employee Health Expense Reports;
- (d) Health Benefit Plan Disability Certification;
- (e) Physician’s Service Reports;
- (f) Evidence of Insurability;
- (g) Doctor’s statements related to employee absences (sick leave approvals);
- (h) Doctor’s release (return to work) statements);
- (i) Infections Disease Reports;
- (j) Incident Reports (where there is an identified work-related injury);
- (k) Workers’ Compensation Forms; and,
- (l) Family Leave material containing medical information.

Compliance with the ADA requires that medical (disability-related) information be handled in a confidential manner. To assure compliance, the following restrictions apply to accessing and retaining medical information:

- (a) All accommodation request information must be forwarded to Human Resources.



# Americans with Disabilities Act (ADA) Policy

(b) Supervisors and managers may maintain summary logs or other documents necessary to record employee attendance or performance, even if such information is related to a disability. The document cannot, however, identify generally or specifically, the nature of the disability or illness.

(c) Medical files are maintained in HR and should be marked "Confidential" and are kept separate from personnel files.

- J. Employees may be separated from employment based on inability to perform the essential functions of the position and no reasonable accommodation is available.
- K. This policy does not restrict the authority of management to discipline or separate employees based on failure to meet standards of performance or conduct, or failure to follow procedures for reporting and approval of absences, however, HR should be contacted for assistance prior to separating employees as indicated in this policy.
- L. Any employee or job applicant who believes that he/she has been discriminated against because of their disability should file a complaint as outlined in the No Harassment and No Discrimination Policy.
- M. No applicant or employee will be subject to coercion, intimidation, retaliation, or unlawful interference for registering complaints or for his/her participation in an investigation of any alleged violation of this policy.

## 6. NON-COMPLIANCE

Violations of this policy may include disciplinary action according to applicable County policies.

## REVISION HISTORY

Version ID	Revision Date	Author	Reason for Revision
v. 1.0-2023	<b>06-2023</b>	Human Resources	Adoption