

PERSONNEL POLICY 07-07

SUBJECT: American's With Disability Act (ADA) – Employment Practices

PURPOSE: To establish guidelines on ADA practices within City government as it pertains to employment practices

APPLICABILITY: All City of Clarksville Employees

REFERENCES: American's with Disability Act of 1990

POLICY STATEMENT: The American's with Disabilities Act (ADA) requires employers to reasonably accommodate qualified individuals with disabilities. It is the policy of the City of Clarksville to comply with all Federal and state laws concerning the employment of persons with disabilities.

It is the City's policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment.

The City of Clarksville will reasonably accommodate qualified individuals with a temporary or long-term disability so that they can perform the essential functions of a position.

An individual who can be reasonably accommodated for a position, without undue hardship, will be given the same consideration for that position as any other applicant.

All employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of other individuals in the workplace, which threat cannot be eliminated by reasonable accommodation, will not be hired. Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on appropriate leave until an organizational decision has been made in regard to the employee's immediate employment situation.

The Human Resources Department is responsible for implementing this policy, including resolution of reasonable accommodation, safety, and undue hardship issues.

Definitions

As used in this policy, the following terms have the indicated meaning and will be adhered to in relation to the ADA policy.

- a. "Disability" refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual. An individual who has such an impairment, has a record of such an impairment, or is regarded as having such an impairment is a "disabled individual."
- b. "Direct threat to safety" means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.
- c. A "qualified individual with a disability" means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or has applied for.

d. "Reasonable accommodation" means making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, adjustment or modification of examinations, adjustment or modification of training materials, adjustment or modification of policies, and similar activities.

e. "Undue hardship" means an action requiring significant difficulty or expense by the employer. The factors to be considered in determining an undue hardship include: (1) the nature and cost of the accommodation; (2) the overall financial resources of the Department at which the reasonable accommodation is to be made; (3) the number of persons employed at that Department; (4) the effect on expenses and resources or other impact upon that Department; (5) the overall financial resources of the City; (6) the overall number of employees and Departments, and (7) the operations of the particular Department as well as the entire City. These are not all of the factors but merely examples.

f. "Essential job functions" refers to those activities of a job that are the core to performing said job for which the job exists that cannot be modified.

OFFICIAL DOCUMENT
APPROVED BY CITY COUNCIL: DECEMBER 6, 2007
EFFECTIVE DATE: JANUARY 1, 2008

WILLIAM MCNUTT, HR DIRECTOR

Appendix A

Checklist: Reasonable Accommodation Process

1. Ask the employee if there is any way that the employer can assist the employee in the performance of the job tasks. No ADA acknowledgment is necessary at this point.
2. Determine whether there is medical documentation or other reliable, objective information to conclude that the employee has a physical or mental condition that significantly impairs at least one major life function
3. Unless there is an observable basis for concluding that the employee has an impairment that is affecting job performance do not inquire about the need for an accommodation.
4. Be sure to have the employee sign a medical release form before requesting medical information.
5. Have the medical provider indicate what major life activity(ies) is/may be limited.
6. Keep all medical information in a file that is separate from the employee's personnel file.
7. Indicate accurately in the job description which of the job functions are essential. (Non-essential job tasks may be reassigned to other employees for purposes of accommodations, not essential job functions). Write an updated job description, if necessary.
8. Determine whether the accommodation creates an undue hardship for the employer.
9. Discuss possible accommodations with the employee, medical providers, the supervisors who have knowledge of the work site and the job, EAP, and vocational or rehabilitation counselor, as appropriate.
10. Determine whether the employee presently creates a "direct threat" to himself or others in the performance of the job tasks.
11. Document the direct threat by: Identifying the risk caused by the limitation; the potential, harm that could result; the medical or observable facts whereon the risk is based.
12. Identify and document the reasonable accommodation or the reason no accommodation is needed.