

 <p data-bbox="451 205 747 273"><i>Sedgwick County... working for you</i></p>	<p data-bbox="1031 168 1323 262">ADA Reasonable Accommodation</p>
<p data-bbox="259 336 820 378">Last Revision Date: August 2019</p>	<p data-bbox="1031 336 1323 378">Policy No. 4.311</p>
<p data-bbox="316 430 755 556">Last Enabling Resolution: 187/908-2019</p>	<p data-bbox="901 430 1453 609">Developer/Reviewer: Chief Human Resources Officer and ADA Coordinator</p>

1. Purpose

The purpose of the Americans with Disabilities Act (ADA) Reasonable Accommodation Policy is to ensure equal and effective opportunities for persons with disabilities and full compliance with the employment provisions of Titles I and II of the Americans with Disabilities Act, including the ADA Amendments Act of 2008.

2. Scope

This policy applies to all applicants for employment and all Sedgwick County employees.

3. Policy Statement

Sedgwick County is committed to providing equal access and opportunity to qualified persons with disabilities in all terms and conditions of employment and in all programs and services. Sedgwick County will adhere to all applicable federal and state laws, regulations and guidelines with respect to providing reasonable accommodation, as necessary to afford equal employment opportunity and equal access to programs, services, and benefits for qualified person with disabilities. Questions regarding reasonable accommodation, discrimination on the basis of disability, or temporary work restrictions should be directed to the Sedgwick County ADA Coordinator. Contact information for the Sedgwick County ADA Coordinator can be found on the County web site or by calling the Division of Human Resources, (316)660-7050.

4. Definitions

Disability with Respect to an Individual Means: A physical or mental impairment that substantially limits one or more major life activities; a record of having such an impairment; or being regarded as having such impairment. In addition, an individual will not be discriminated

against due to association with a person who has, has a record of, or is regarded as having such impairment.

Major life activities:

1. Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.
2. It also includes the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.

Regarded as having an impairment: absence of a physical or mental impairment but regarding or treating an individual as though such an impairment exists. An individual is “regarded as having such an impairment” if they establish that they have been subjected to a prohibited action because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. Being “regarded as” having an impairment shall not apply to impairments that are transitory or minor. A reasonable accommodation or a reasonable modification to policies, practices or procedures need not be provided to an individual who only meets the “regarded as” or “having record of” definition of disability.

A Qualified Person with a Disability: a person who satisfies the requisite skills, experience and other job-related requirements of the position and who, with or without reasonable accommodation, can perform the essential functions of the job.

Essential Functions: job duties that are fundamental to the position, not marginal to the position. Duties are what must be accomplished, not how the duties are performed. Essential functions are those job duties that are so fundamental to the position that the individual cannot do the job without being able to perform them. A function can be “essential” if, among other things, the position exists specifically to perform that function, there are a limited number of other employees who could perform the function if it were assigned to them, or the function is specialized and the incumbent is hired based on his/her ability to perform it.

Reasonable Accommodation may include:

1. Making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and
2. Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications

of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

Disability shall be construed in accordance with the following:

1. The definition of disability shall be construed in favor of broad coverage;
2. An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability;
3. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active; and
 - a. The determination of whether an impairment substantially limits a major life activity shall be made without regard to the corrective effects or mitigating measures such as the following:
 - i. Medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eye glasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;
 - ii. Use of assistive technology;
 - iii. Reasonable accommodations or auxiliary aids or services; or
 - iv. Learned behavioral or adaptive neurological modifications.
 - b. The corrective effects of the mitigating measure of ordinary eye glasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.
 - c. As used in this subparagraph:
 - i. "Ordinary eye glasses or contact lenses" means lenses that are intended to fully correct visual acuity or eliminate refractive error; and
 - ii. "low-vision devices" means devices that magnify, enhance, or otherwise augment a visual image.

Undue hardship means, as per 42 U.S. Code 12111, an action requiring significant difficulty or expense, when considered in light of the following factors:

1. The nature and cost of the accommodation needed;
2. The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect

on expenses and resources, or the impact otherwise of such accommodation on the operation of the facility.

3. The overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employee; the number, type and location of its facilities; and
5. The type of operation or operations of the covered entity; including the composition, structure, and functions of the workplace of such entity; the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the covered entity.

Sedgwick County Internal Compliance Team (SCICT): A five member team consisting of the County ADA Coordinator, Director of Facilities, and representatives from the County Counselor's Office, and the Division of Human Resources.

6. Dissemination of Reasonable Accommodation Procedures:

1. Copies of the Reasonable Accommodation Policy shall be readily available to all County employees. The policy shall be posted on eline. It will also be available in designated locations, including the Human Resource Division and the ADA Coordinator's office.
2. The County's Reasonable Accommodation policy shall be accessible to individuals with disabilities. Copies of the Reasonable Accommodation Policy will be made available in alterative formats, such as large print or Braille, on request. Individuals requiring alternative formats shall contact the Sedgwick County ADA Coordinator. Contact information for the Sedgwick County ADA Coordinator can be found on the County website or by calling the Human Resources Division, (316) 660-7050.
3. The implementing procedures for this policy are administered by the Division of Human Resources. Procedures may be revised upon review by the ADA Coordinator, Chief Human Resources Officer and a representative from the County Counselor's Office. Approval is authorized by the County Manager.
4. If an employee requesting an accommodation disagrees with the appropriateness of the accommodation determined, a request for reconsideration or consideration of an alternative accommodation following the process outlined in the ADA Implementing Procedures. If resolution is not achieved, the employee may follow the Sedgwick County ADA Grievance Procedure. See Implementing Procedures 4.311 ADA Reasonable Accommodation, item G.
5. Employees who believe that their rights under the Americans with Disabilities Act have been violated may contact:

U. S. Department of Justice - Civil Rights Division
950 Pennsylvania Ave., NW
Disability Rights Section
Washington, DC 20530
ADA Information Line: (800) 514-0301
(800) 514-0383 TTY/TDD