



City of Palm Springs Administrative Policy Reasonable Accommodation

Policy Statement

The Americans with Disabilities Act (hereinafter referred to as “ADA”) and the California Fair Employment & Housing Act (hereinafter referred to as “FEHA”) prohibits discrimination against qualified individuals with a disability in hiring, compensation, training, advancement, and the terms, conditions and privileges of employment because of their disability, and requires that employers provide reasonable accommodation for disabled employees and applicants when requested.

It is the policy of the City of Palm Springs to hire, compensate, train, promote and provide regular employment benefits of qualified individuals who can, with or without accommodation, perform the essential functions of the job. It is also the policy of the City to provide reasonable accommodation to qualified individuals with a disability in accordance with the guidelines set forth in both the ADA and FEHA.

Scope

This policy covers qualified employees and applicants with a disability. A qualified individual with a disability is a person who meets the qualification standards of a job and can satisfactorily perform its essential functions with or without reasonable accommodation, and who: a) has been diagnosed with a physical or mental impairment which substantially limits one or more major life activities, b) has a known record of such impairment, or c) is regarded as having such impairment.

This policy does not protect employees or applicants who are currently engaged in the illegal use of drugs on or in on-the-job- substance abuse of any kind. Likewise, this policy does not protect disabled employees from the consistent application of discipline for unsatisfactory performance or behavior.

Reasonable Accommodation Defined

In accordance with the ADA and FEHA, the City of Palm Springs will, upon receipt of an employee or applicant request, attempt to provide reasonable accommodation to individuals with a disability. An accommodation is reasonable if it is effective, does not impose an undue hardship on the City (i.e., significant difficulty, service deterioration, expense, or fundamental alteration in the nature of the service, program or activity), and does not pose a direct threat to the employee or others with whom the employee regularly comes in contact.

Accommodation Procedure – Employees

If an employee identifies themselves as having been diagnosed with a disability for which accommodation is necessary to perform the essential functions of the job, and requests an accommodation, the following steps shall be taken:

1. The employee shall fully inform the Director of Human Resources of their disability and accommodation needs, and shall submit documentation from their physician or health care provider to substantiate the work restrictions or limitations imposed by the disability. All

medical documentation shall be submitted to and maintained by the Director of Human Resources.

2. The Director of Human Resources, Department Director, and City Attorney shall make a determination regarding the employee's status as a qualified individual with a disability and what, if any, accommodation can reasonably be made. The Director of Human Resources may request the assistance of an independent coordinator where appropriate. In consultation with the employee's health care practitioner, the City retains the right to conduct an independent medical evaluation as necessary to guide this determination. The Department Director shall communicate what accommodation has been determined to be reasonable to the employee, and shall submit documentation of the accommodation offer to the Human Resources Department for inclusion in the employee's personnel file. Periodic documentation from the employee's health care provider of the continued need for accommodation shall be a condition of continued accommodation and shall be provided by the employee upon request.
3. If the employee is dissatisfied with the accommodation decision, they may use the Grievance Process as provided in the employee's Memorandum of Understanding to appeal the accommodation decision.
4. Reasonable accommodations which have been authorized by City management and accepted by the employee, shall not be rescinded without the approval of the Director of Human Resources or City Manager.

Accommodation Procedure – Applicants

It is the job applicant's responsibility to request an accommodation. A request for reasonable accommodation for pre-employment testing is not automatic. An applicant with a known disability requesting an accommodation in the examination or interview process shall request this accommodation from the Human Resources Department at least 48 hours prior to an exam or interview. If granted, the Human Resources Director may request the assistance of an independent coordinator in making arrangements for the accommodation.