



Title:
REASONABLE ACCOMODATIONS POLICY

Subject: HUMAN RESOURCES & LEGAL AFFAIRS	Page: 1 of 6	Policy Number: 06.60.00
Category: DISTRICTWIDE POLICY	Approval Date: 06/26/2014	Last Revised Date: 06/13/2018

POLICY STATEMENT:

It is the policy of the Forest Preserve District of Cook County (*the "District"*) to comply with all laws and applicable collective bargaining agreements to evaluate requests for reasonable accommodations from qualified job applicants and/or employees with substantial medical restrictions and/or disabilities to facilitate their ability to perform the essential functions of a position and/or job.

PURPOSE:

To communicate the policy and procedures to be followed for processing employee requests for a reasonable accommodation in the workplace due to a substantial medical restriction and/or disability.¹

AFFECTED AREAS:

This policy/procedure/guidelines is applicable to all departments of the District.

DEFINITIONS:

Direct Threat: A significant risk of substantial harm to the health or safety of any individual, including the applicant or employee requesting the reasonable accommodation, which cannot be eliminated by providing a reasonable accommodation.

Disability: As used within this policy/procedure/guidelines, a physical or mental impairment that substantially limits one or more of the major life activities of an individual; a record of such impairment; or being regarded as having such impairment. A qualified individual with a disability is a person who meets legitimate skill, experience, education or other requirements of an employment position that s/he holds or seeks, and who can perform the essential functions of the position with or without a reasonable accommodation.

Employee Documentation: A completed and signed *Request for Reasonable Accommodation* ("the Request Form") and all relevant, detailed and up-to-date medical information to support the employee's accommodation request.

Essential Function: Whether a particular function, task or job duty is essential is a factual determination that must be made on a case-by-case basis. Among other things, a job function may be essential because the position exists to perform the function, the position cannot be performed without the function, a limited number of employees are available to perform the function, or the function is highly specialized. The essential functions of the employee's position are reflected not only in the written job description, but also in the job as actually performed.

¹ Applicant request for a reasonable accommodation will be handled by the District Human Resource Department.

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Interactive Process: The process between the District and the employee seeking a reasonable accommodation in the workplace due to a substantial medical restriction and/or disability, through which an employee clarifies what s/he needs and the District determines if there is an appropriate reasonable accommodation that can be offered to the employee.

Accommodation Review Committee: A standing committee comprised of a representative from each of Human Resources, Legal, and the impacted Department Head, respectively, that considers requests for, and oversees the determination and implementation of, reasonable accommodations in the workplace for employees with substantial medical restrictions and/or disabilities.

Reasonable Accommodation: As used within this policy/procedure/guidelines, any modification or adjustment to the job application process, job or work environment (i.e. the way things are usually done in the workplace) that facilitates a qualified employee with a substantial medical restriction and/or disability to be considered for a position, to perform the essential functions of a position and to enjoy equal benefits and privileges of employment without undue hardship to the District or a direct threat to the health or safety of the applicant, the employee or others.

Substantial Medical Restrictions: As used within this policy/procedure/guidelines, a physical or mental impairment that affects an employee’s ability to perform the essential functions of the position or his or her job.

Undue Hardship: A significant difficulty or expense to the District that would preclude the offer of an accommodation.

PROCEDURE/PROCESS:

- 1) **Eligibility:** Any employee with a substantial medical restriction and/or disability may apply for a reasonable accommodation to perform the essential functions of a position or his/her job, regardless of position or length of service.

- 2) **Provisions:**
 - A. Nothing in this policy/procedure/guidelines shall preclude an employee from pursuing grievances in accordance with applicable Personnel Rules, collective bargaining agreements, or rules of other regulatory agencies.
 - B. Employees shall have access to this policy/procedure/guidelines and shall, upon request, be provided with a copy. Copies of this policy/procedure/guidelines shall be available at all District facilities and offices, locations where applicants are tested or interviewed, on the District shared drive, and from the Human Resources Department.
 - C. Upon request, applicants and employees may be provided assistance as determined necessary by the District in complying with the procedures set forth in this policy/procedure/guidelines.
 - D. Reasonable accommodation **may** include, but is not limited to:
 - Making existing facilities readily accessible to and usable by individuals with substantial medical restrictions and/or disabilities.
 - Acquisition or modification of equipment or devices.
 - Appropriate adjustment or modification to examinations, training materials, or policies.
 - The provision of qualified readers or interpreters.
 - Medical leave of absence/time-off
 - E. The District is not required to provide an accommodation which would cause an undue hardship on the District or be a direct threat to the safety, security, or health of any person, or which would

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fundamentally alter the nature or operation of the business of the District. The terms of collective bargaining agreements may be relevant to a determination of what accommodation, if any, may be made.

F. The determination of what accommodation, if any, is appropriate shall be made on a case-by-case basis. Action taken to reasonably accommodate an employee shall not necessarily constitute a precedent for another employee.

G. With regard to any request, the District, before providing a reasonable accommodation may require that the individual requesting the reasonable accommodation provide up-to-date, detailed and relevant medical documentation of the need for accommodation.

1. **Medical Documentation:** The medical documentation must be provided to the Human Resources Department by the employee, or the employee’s health care provider. The employee must give his or her health care provider a completed *Authorization to Disclose Medical Information*, if the health care provider will provide the documentation directly to the Human Resources Department. It is the employee’s responsibility to ensure that the health care provider provides the Human Resources Department, with all requested documentation. Failure to provide sufficient, responsive information may result in delayed processing or denial of the request for a reasonable accommodation.

2. **Medical Documentation Requirements:** All medical documentation must be written or typed on letterhead of the health care provider, must identify the health care provider’s credential’s, and must be dated and signed by the health care provider. It must also, at a minimum, include the following:

- a) A diagnosis and description of the employee’s current medical condition(s) and/or disability relevant to the accommodation requested by the employee;
- b) Detailed description of the limitations of the medical condition and/or disability in relation to the employee’s ability to perform the job;
- c) Specific recommendations for accommodations (*if applicable*), including possible suggestions for any equipment by brand and model number, that will enable the employee to perform the job.
- d) An indication as to whether the medical condition and/or disability is considered temporary or permanent, and if temporary, how long it is expected to last.

3. **Medical Documentation Expense:** The employee is responsible for any expenses he or she incurs in providing the required medical documentation.

4. **Medical Document Confidentiality:** The Human Resources Department (*but not the workplace department*) will have access to the employee’s medical documentation submitted to document the need for an accommodation. The Human Resources Department will keep the employee’s medical documentation in a confidential file separate from the employee’s personnel file.

3) **Procedures for Requesting Reasonable Accommodation:**

A. **The employee is responsible for initiating a request for reasonable accommodation to the Human Resources Department.** The request shall include, but not be limited to:

- 1. Medical documentation of the need for accommodation, unless the need is obvious;
- 2. The precise job-related limitations imposed by the individual’s substantial medical restriction and/or disability; and
- 3. Potential reasonable accommodations that could overcome those limitation.

B. For a District job applicant, the Human Resources Department shall:

1. Take prompt action to accommodate an applicant with a substantial medical restriction and/or disability to ensure equal opportunity in the interview process if:
 - a. The need for accommodation is obvious; and
 - b. The appropriate accommodation is readily identifiable and would not impose an undue hardship; or
2. Provide the applicant with a Request for Reasonable Accommodation Form if:
 - a. The need for accommodation in the job interview process is not obvious; or
 - b. The appropriate reasonable accommodation in the job interview is not readily identifiable or appears to impose an undue burden; or
 - c. The applicant has requested a reasonable accommodation to the work environment if hired.

C. For a District employee, the supervisor shall:

1. Immediately notify the Human Resources Department of all employee requests for a reasonable accommodation; and
2. If presented with any medical documentation, direct the employee to submit said documentation to the Human Resources Department; then
3. Take prompt action to accommodate the employee if:
 - a. The need for accommodation is obvious; and
 - b. The appropriate reasonable accommodation is readily identifiable and would not impose an undue hardship; and
 - c. The employee does not pose a direct threat; or
4. Instruct the employee to contact the Human Resources Department to obtain a Request for Reasonable Accommodation Form if:
 - a. The need for accommodation is not obvious; or
 - b. The appropriate reasonable accommodation is not readily identifiable or appears to impose an undue hardship; or
 - c. The employee appears to pose a direct threat.
5. The employee shall complete the Request for Reasonable Accommodation Form and submit the form to the Department of Human Resources who shall promptly forward the request form to the Accommodation Review Committee.

4) Determination:

- A. Review:** The Accommodation Review Committee reviews and decides each reasonable accommodation request based on the relevant facts, that may include but are not limited to the following:
 1. Discussions between a Human Resources Department Designee and the employee;
 2. The contents of the employee's completed and signed Request Form;
 3. The documentation submitted to the support the Request Form;
 4. The essential functions of the employee's job;
 5. The effectiveness of the requested accommodation in enabling the employee to perform the essential functions of the job;

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6. The reasonableness of the accommodation sought by the employee;
7. Any relevant seniority issues;
8. The ability of the workplace to provide the accommodation sought by the employee;
9. The availability of alternative reasonable accommodations; and
10. Whether the accommodation sought by the employee presents an undue hardship to the District or poses a direct threat to the health and safety of the applicant, employee or others.

- B. Employee's Cooperation:** The employee must actively engage with the District in the interactive process, including cooperating with the Human Resources Department in order for the Accommodation Review Committee to evaluate and make a determination about the employee's request. This cooperation includes, but is not limited to, providing the Human Resources Department with any requested follow-up information and/or documentation in a timely manner to clarify what the employee needs and to determine if an appropriate reasonable accommodation exists.
- C. Review Timeframe:** The Accommodation Review Committee shall review and make determinations about all Requests for Reasonable Accommodations within 10 working days after receipt whenever possible. The Accommodation Review Committee will attempt to address the employee's request on an expedited basis if a particular employee's need for a reasonable accommodation is immediate.
- D. Reassignment:** Should the Accommodation Review Committee determine that there is no reasonable accommodation that will enable an employee with a substantial medical condition and/or disability to perform the essential functions of his or her current job, reassignment of the employee to a vacant equivalent or lower-level position will be considered, subject to any applicable collective bargaining agreement, the employee's qualifications, and the individual circumstances.
- E. Duration:** An accommodation is only valid for the time period specified by the Accommodation Review Committee and if accepted in writing by the employee. If the period of accommodation has ended but the employee continues to need a reasonable accommodation, it is the employee's responsibility to submit a new request for accommodation by completing a new Request Form and providing all current relevant medical documentation to the Human Resources Department.
- F. Request for Reconsideration** If an employee, whose request for reasonable accommodation is denied, disagrees with the determination; then the employee may contact the Director of Human Resources or his/her designee to submit a request for reconsideration to the Accommodation Review Committee within 7 days of the employee's receipt of the determination. The request for reconsideration must be in writing and include a statement as to why the employee is requesting the reconsideration. The Accommodation Review Committee may require additional medical or other documentation to support the reconsideration request. The employee and the employee's manager(s) will be notified in writing of the Accommodation Review Committee's determination of the employee's request for reconsideration, generally within 10 days after its reconsideration of the request.

RESPONSIBILITY:

N/A

TRAINING REQUIREMENTS:

N/A

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COMMUNICATION PLAN:

- 1) Department Heads should work to ensure that their staff is knowledgeable about this policy when/if applicable.
- 2) This policy should be added to the District shared drive, intranet, and website.

REFERENCES:

N/A

POLICY LEAD:

Michelle Gage
Director of Human Resources

APPROVAL:

Arnold Randall
General Superintendent

POLICY HISTORY:

Approved: 06/26/2014
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If you have questions concerning this District policy, please contact:

Forest Preserve District of Cook County
The Human Resources Department
Phone: (708) 771-1562
Email: FPD.HumanResources@cookcountyil.gov