

## **02. PERSONNEL**

### **2.25. Americans with Disabilities Act**

BOS Adopted – May 3, 2006

#### **2.25.1. Policy**

A. The Americans with Disabilities Act (ADA) requires employers to reasonably accommodate qualified individuals with disabilities. It is the policy of Fluvanna County to comply with all Federal and state laws concerning the employment of persons with disabilities. This policy is to be interpreted and applied in light of applicable federal and state law as the same may be amended from time to time.

B. It is the policy of Fluvanna County not to discriminate against any qualified employee or applicant for employment with regard to any terms or conditions of employment because of such individual's disability or perceived disability so long as the employee can perform the essential functions of the job. Consistent with this policy of nondiscrimination, the County will provide reasonable accommodations to a qualified individual with a disability, as defined by the ADA, who has made the County aware of his or her disability, provided that such accommodation does not constitute an undue hardship on the County.

C. Employees with disabilities who believe they need a reasonable accommodation to perform the essential functions of their job should contact the Human Resources Department. Fluvanna County encourages individuals with disabilities to come forward and request reasonable accommodation.

#### **2.25.2. Definitions**

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 impairment, has a record of such impairment, or is regarded as having such impairment is a "disabled individual".

B. "Major Life Activities" refers to the basic activities that a person can perform with little or no difficulty and include, but are not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

C. "Direct threat to safety" means a significant risk to the health or safety of others that can not be eliminated by reasonable accommodation.

D. 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.

E. "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.

F. “Undue hardship” means an action requiring significant difficulty or expense by the employer. The factors to be considered in determining an undue hardship include: the nature and cost of the accommodation; the overall financial resources of the facility at which the reasonable accommodation is to be made; the number of persons employed at that facility; the effect on expenses and resources or other impact upon that facility. These are not all of the factors but merely examples.

G. “Essential job functions” refers to a task/responsibility that is not marginal to the purpose of the job.

**2.25.3. Safety Standards.** All employees are required to comply with safety standards. Applicants who pose a direct threat to health or safety of other individuals in the workplace, which threat can not 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.

**2.25.4. Procedure for Requesting an Accommodation**

A. An individual with a disability may request an accommodation by contacting the Human Resources Department. Human Resources will ask the individual to submit the request in writing. Human Resources may request reasonable documentation from the employee’s health care professional that is needed to establish the person has an ADA disability and that the disability necessitates a reasonable accommodation.

B. On receipt of the accommodation request and documentation, Human Resources and the appropriate supervisor will meet with the individual to discuss the potential accommodation. The County Administrator or Constitutional Officer will determine the feasibility of the required accommodation and will inform Human Resources of their decision.

C. Human Resources will inform the individual of its decision on the accommodation request. If the accommodation request is denied, the individual will be advised of their right to appeal the decision by submitting a written statement explaining the reasons for the request. If the request on appeal is denied, that decision is final.

D. An employee or job applicant who has questions regarding this policy or believes that he or she has been discriminated against based on a disability should notify the Human Resources Department. All such inquiries or complaints will be treated as confidential to the extent permissible by law.