



County Technical Assistance Service

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Sample Policy - Disability Accommodation

Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

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Sample Policy - Disability Accommodation

Reference Number: CTAS-1140

Sample Disability Accommodation Policy:

It is the policy of [name of county] to assure equal employment opportunity to persons with disabilities on the basis of qualifications and ability to perform the job. There shall be no discrimination in terms of employment opportunities, wages, hours of work, or other terms or conditions of employment or benefits.

An individual with a disability is one who has a physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or who is regarded as having such an impairment.

Application Process

Persons with disabilities are guaranteed the same application process as other applicants. Assistance may be provided when needed, such as the following:

- (a) A reader may be provided for completing an application or written examination for qualified applicants who are vision-impaired or functionally illiterate.*
- (b) Waiver of a driver's license may be requested for qualified disabled applicants who are not allowed to drive.*

Employment Physical

New employees working in _____ positions are required to take a physical examination after an offer of employment has been made. The physical examination will be conducted at the [name of county] Health Department at county expense. If a physical limitation is determined which prevents an otherwise qualified individual from performing the essential functions of the job, the appointee can still retain the position if reasonable accommodation can be made. The possibility of reasonable accommodation shall be determined by the applicant and the employer. Information obtained in the pre-employment physical shall be confidential to the extent provided by law, except for the following:

- (a) Supervisors shall be informed of any restrictions on the duties required for reasonable accommodation.*
- (b) Safety personnel shall be informed of any possibility of emergency treatment.*

Reasonable Accommodation

A department shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with disabilities. The specific accommodations needed shall be determined jointly by the individual and the employer with technical assistance provided by the ADA Coordinator for [name of county]. Reasonable accommodation may include, but shall not be limited to:

- (a) making facilities readily accessible to and usable by persons with disabilities, and*
- (b) job restructuring, job sharing or modified work schedule, acquisition or modification of equipment or devices and other similar actions.*

In determining whether an accommodation would impose an undue hardship on the operation of the department, factors to be considered include:

- (a) the overall size of the specific work area or program with respect to the number of employees and budget,*
- (b) the type of operation, and*
- (c) the nature and cost of the accommodation needed.*

It is the responsibility of the employee or applicant to make known to the employer the need for an accommodation.

Accessibility

Each department is required periodically to survey its programs and physical facilities to determine if they are accessible to persons with disabilities. If structural problems are found, it is the responsibility of [name of county] to budget for changes. Non-structural problems requiring some form of reasonable accommodation will be addressed on an individual basis. The ADA Coordinator will provide technical assistance in areas of accessibility related to employment.

Complaints

Individuals who believe that they have been subjected to discrimination on the basis of a disability are encouraged to report the incident in accordance with the complaint procedure included with the county's policy on Equal Employment Opportunity, or discuss the matter with the county's ADA Coordinator, _____, or both.

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