



Sedgwick County...
working for you

Reasonable Accommodations under the Americans with Disabilities and Pregnant Workers Fairness Acts

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Policy No. 4.311

**Last Enabling Resolution:
056-2024/905-2024**

**Developer/Reviewer:
Human Resources and
County Counselor**

1. Purpose

The purpose of the Reasonable Accommodation Policy is to ensure equal and effective opportunities exist for:

- A. Qualified persons with disabilities via Title I (Employment), Title II (State/Local Governments) and Title III (Public Accommodations) of the Americans with Disabilities Act (ADA), including the ADA Amendments Act of 2008.
- B. Qualified employees via the Pregnant Workers Fairness Act (PWFA).

2. Scope

All Sedgwick County employees, applicants for employment with Sedgwick County, and citizens accessing the programs and services or accessing the facilities.

3. Policy Statement

Sedgwick County will adhere to all applicable federal and state laws, regulations, and guidelines with respect to providing reasonable accommodation(s), as necessary, to afford equal employment opportunities and equal access to programs, services, and benefits for qualified persons with disabilities or conditions covered under the ADA and PWFA.

4. Definitions

- A. **Disability** – A physical or mental impairment that substantially limits one or more major life activities and/or major bodily functions of the individual, having a record of such an impairment, or being regarded as having such an impairment. In accordance with the ADA final regulations, the determination of whether an impairment substantially limits a major life activity or major bodily function requires an individualized assessment by an employee's licensed medical provider. An impairment that is episodic or in remission may also meet the definition of a disability if it would substantially limit a major life activity when active. Temporary medical conditions may be covered as disabilities depending on the duration and impact of the impairment and the extent to which the condition limits major life activities.

- B. **Americans with Disabilities Act** – The ADA is a federal law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else.
- C. **Pregnant Worker Fairness Act** – The PWFA is a federal law that requires covered employers, such as Sedgwick County, to provide reasonable accommodations to a worker’s known limitations related to pregnancy, childbirth, or related medical condition(s), unless the accommodation will cause the employer an undue hardship.
- D. **Qualified individual**
 - 1. **ADA** – An employee or applicant who, with or without a reasonable accommodation, can perform the essential functions of the position.
 - 2. **PWFA** – An employee or applicant who, with or without a reasonable accommodation, can perform the essential functions of the position, except that an employee or applicant shall be considered qualified if:
 - a. Any inability to perform an essential function is for a temporary period;
 - b. The essential function could be performed in the near future; and
 - c. The inability to perform the essential function can be reasonably accommodated.
- E. **Essential functions of the job** – Job activities determined by the employer to be essential, primary or critical to performing the job; these functions cannot be removed.
- F. **Reasonable accommodation** – Any changes to the work environment, or to the way the work is performed, which may include making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, 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.
- G. **Undue hardship** – Per federal law, it is defined as an action requiring significant difficulty or expense on the part of the employer, when considered in light of the following factors:
 - 1. The nature and the impact of the accommodation on the organization;
 - 2. The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation;
 - 3. The number of persons employed at such facility, the effect on expenses and resources, or the impact of such accommodation on the operation of the facility;
 - 4. The overall financial resources of the employer; the size, number, type and location of facilities.
- H. **Direct threat** – A significant risk to the health, safety or well-being of individuals with disabilities or others when this risk cannot be eliminated by reasonable accommodation.

5. Procedures

- A. Requests for accommodations under the ADA or the PWFA are facilitated solely through the Division of Human Resources by the ADA Coordinator or their designated representative.

- B. Individuals applying for employment with Sedgwick County may request an accommodation from the Division of Human Resources at any time during the employment process including, but not limited to, requesting assistance at the time of application, interview, pre-employment testing, continuing through to the offer of employment up to the first day of employment.
 - 1. Applicants requesting specific accommodations during the employment process will submit a formal request to the ADA Coordinator.
 - 2. Applicants may be required to submit medical documentation to establish the need for an accommodation, if the need is not obvious.
 - 3. All candidates will be asked to attest to their ability to perform the essential functions of the position being interviewed for, with or without a reasonable accommodation.

- C. Employees are eligible to request an accommodation through the ADA Coordinator effective with their first day of employment for the following:
 - 1. Reasonable accommodation(s) to perform the essential functions of the job.
 - 2. Job-protected time away from work for the employee's own medical procedure under the ADA.
 - 3. Job-protected time away from work under the PWFA.
 - 4. Specific parking accommodations outside of the designated accessible spaces.
 - 5. Requests for Service Animals.

- D. Employees requesting a reasonable accommodation under the ADA will be required to provide substantiation within 15 days of the request, including:
 - 1. Request for Accommodation Form
 - 2. Medical Provider Release Form (optional)
 - 3. Medical Provider Form

- E. Employees seeking a reasonable accommodation under the PWFA should submit an email request to the ADA Coordinator. Medical Provider information may be requested.

- F. A meeting will be scheduled for the employee to have an interactive dialogue to discuss their request(s) for accommodation with the ADA Coordinator, the employee's direct supervisor, a representative from the Division/Department and, if needed, a representative from Human Resources.

- G. Questions regarding reasonable accommodation(s), complaints regarding discrimination on the basis of a disability or temporary work restrictions, must be directed to the ADA Coordinator in the Division of Human Resources.

- H. If an employee or an individual requesting an accommodation disagrees with the accommodation offered, a request for reconsideration or consideration of an alternative accommodation will follow the process outlined in the Reasonable Accommodation Implementing Procedures. If a resolution is not achieved, the employee may follow the ADA Grievance Procedure.

6. Dissemination of Reasonable Accommodation Procedures:

A. Copies of the Reasonable Accommodation Policy shall be readily available to all County employees via e-line, to citizens accessing the services, programs, and/or externally via the website (www.sedgwickcounty.org), or by contacting the Division of Human Resources or the ADA Coordinator.

1. If alternative format(s) are requested, additional time may be required for the following:

- a. Large print;
- b. Braille;
- c. Audible; or
- d. Specific language translations.

B. Individuals 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

C. Individuals who believe that their rights under the Pregnant Workers Fairness Act may have been violated may contact:

Equal Employment Opportunity Commission
131 M Street, NE
Washington, DC 20507

General Information Line: (800) 669-4000 • (800) 669-6820 TTY/TDD