

	Implementing Procedures 4.311 Reasonable Accommodations
Adopted: April 2024	Developer/Reviewer: ADA Coordinator, County Counselor, Chief Human Resources Officer

Reasonable Accommodation Procedures

- A. All Sedgwick County employees have the opportunity to request an accommodation under the Americans with Disabilities Act and/or the Pregnant Workers Fairness Act.

- B. **Active Employee – Request for Accommodation:**
 - 1. An employee who believes a reasonable accommodation is needed to perform the essential functions of their job or to enjoy the benefits and privileges of employment shall inform their supervisor, or the ADA Coordinator, of the need for an accommodation. When a request for accommodation is made to the supervisor, the supervisor shall contact the ADA Coordinator.
 - 2. The employee will meet or discuss with the ADA Coordinator who will explain the reasonable accommodation process and supply the applicable forms to support the request.
 - 3. The ADA Coordinator may request additional information from the employee’s medical provider. Medical diagnoses and the employee’s medical records are considered Protected Health Information (PHI) and will be kept confidential and separate from the employee’s personnel file.
 - 4. The ADA Coordinator, the employee’s supervisor, Division/Department representative, County Counselor, and a representative from the Division of Human Resources or designee shall:
 - a. Review the essential functions of the employee’s position; and
 - b. Review requested potential accommodation(s) to assess the effectiveness/viability of each to enable the employee to perform the essential functions of the job.
 - 5. An interactive dialogue shall be scheduled between the employee requesting the accommodation, the employee’s supervisor, Division/Department representative, the ADA Coordinator and a representative from the Division of Human Resources. While the employee’s preferences will be given consideration, Sedgwick County is free to choose from among equally effective reasonable accommodations.
 - 6. The specific accommodations proposed may be accepted or rejected by the employee. The employee is able to offer additional information and/or may propose alternative accommodations.

7. A Reasonable Accommodation Agreement detailing the specific accommodation(s) will be circulated between the employee, the employee's supervisor, the Division/Department designee, and the ADA Coordinator for signature. The employing department shall implement the agreed-upon accommodation(s) and be responsible for purchasing any equipment or implements needed to enact the agreement.
8. After an accommodation is provided, the ADA Coordinator may follow-up with the employee and the department to evaluate the effectiveness of the accommodation.
9. If, at any time, there is a question about the continuing nature of an employee's reasonable accommodation, or if adjustments to the accommodation(s) are necessary, the employee or the employee's supervisor should contact the ADA Coordinator to discuss.

C. Medical Documentation:

1. Sedgwick ADA Coordinator will make all requests for medical documentation directly to the employee. The employee requesting an accommodation is responsible for providing the medical documentation requested within 15 calendar days, unless leave is needed unexpectedly. **Supervisors may not request doctor's notes, restriction information, or medical information regarding the employee's disability or have access to the employee's medical file.**
2. An employee's failure to provide necessary documentation could result in a denial of a reasonable accommodation.

D. Decisions and Grievances:

1. If an employee requesting an accommodation disagrees with the accommodation offered, the ADA Grievance Procedure may be utilized to appeal the decision.
2. The ADA Coordinator shall communicate the determination regarding the submitted grievance within ten (10) business days of the request and notify the employee, employee's supervisor, Division/Department designee, and County Counselor. If the ten (10) business day requirement cannot be met, the employee, the Chief Human Resources Officer, and the ADA Coordinator shall agree on a reasonable time limit.
3. If changes to the accommodation are recommended, it may be necessary to return to the interactive dialogue phase.
4. If no changes are recommended, Sedgwick County shall continue implementing the accommodation recommended.
5. If the employee requesting the accommodation disagrees with the final determination, the employee may utilize the ADA Grievance Procedure to appeal the decision to the County Manager.
6. Within ten (10) business days of receipt of the appeal, the County Manager will respond in writing with a final resolution of the complaint.
7. The employee may refuse the accommodation offered; however, the employee continues to be responsible for performing the essential functions of their job, with or without an accommodation, and maintaining defined performance standards.