



**POLICY TITLE:** Americans with Disabilities Act (ADA) and  
Americans with Disabilities Amendments Act (ADAAA)

**POLICY NO.:** PR-31

---

**I. PURPOSE**

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA) are federal laws that require employers with fifteen (15) or more employees not to discriminate against applicants and individuals with disabilities and, when needed, to provide reasonable accommodations to applicants and employees who are qualified for employment, with or without reasonable accommodations, so that they may perform the essential job duties of their positions.

**II. GENERAL POLICY**

The Board of County Commissioners complies with all federal and State laws concerning the employment of individuals with disabilities and acts in accordance with the regulations and guidance issued by the U.S. Equal Employment Opportunity Commission. The Board of County Commissioners does not discriminate against qualified individuals with disabilities in all aspects of employment, including application procedures, hiring, advancement, discharge, compensation, training, and all other terms, conditions, and privileges. This Policy does not and is not intended to contain all provisions of the ADA and ADAAA. The ADA and ADAAA, together with applicable federal regulations and State law, will be consulted in conjunction with and in addition to the provisions of this Policy.

**III. PROCEDURE**

- A. When an individual with a disability requests accommodation and can be reasonably accommodated without creating an undue hardship or causing a direct threat to workplace safety, the individual will be given the same consideration for employment as any other applicant. Applicants who pose a direct threat to the health, safety, and well-being of themselves or others in the workplace will not be hired when the threat cannot be eliminated by reasonable accommodation.
- B. The County will reasonably accommodate a qualified individual with a disability so that the individual can perform essential job functions unless doing so creates an undue hardship to the County or causes a direct threat to workplace health, safety, and well-being of the individual or others in the workplace and the threat cannot be eliminated by reasonable accommodation.

- C. All employees are required to comply with the County's safety standards. Employees who pose a direct threat to the health, safety, or well-being of themselves or others in the workplace will be placed on appropriate leave until an organizational decision has been made regarding the affected employment situation.
- D. Individuals who are currently using illegal drugs are excluded from coverage under this Policy.
- E. The Department of Human Resources is responsible for implementing this Policy, including resolution of issues pertaining to reasonable accommodation, safety, direct threats, and undue hardship. The Director of Health and Human Services is the point of contact for requests for reasonable accommodation and questions regarding this Policy.

#### **IV. DEFINITIONS**

As the following terms are used in this Policy or may be used to interpret and apply this Policy, they are defined as follows (examples given in the definitions are not intended to be all-inclusive and should not be construed as such because they are not the only conditions considered to be disabilities, impairments, or reasonable accommodations covered by this Policy or the ADA and ADAAA):

- A. "Direct threat" means a significant risk of substantial harm to the health or safety of a qualified individual with a disability or others that cannot be eliminated or reduced by reasonable accommodation.
- B. "Disability" means a physical or mental impairment that substantially limits one or more major life activities of the individual, a record of such an impairment, or being regarded as having such an impairment.
- C. "Essential functions" means, with regard to an individual with a disability, the fundamental job duties of the employment position that the individual with a disability holds or desires. The term does not include the marginal functions of the employment position.
- D. "Major bodily functions" include physical or mental impairment such as any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine. Also covered are any mental or psychological disorders, such as intellectual disability, organic brain syndrome, emotion or mental illness, and specific learning disabilities.

- E. “Major life activities” include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working; and the operation of a “major bodily function.”
- F. “Qualified individual” means, with regard to an individual with a disability, that the individual satisfies the requisite skill, experience, education, and other job-related requirements of the employment position that the individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of the position.
- G. “Reasonable accommodation” means any change to the work environment and may include, but is not limited to, making existing facilities used by employees readily accessible to and usable by individuals with disabilities; job restructuring; part-time or modified work schedules; telecommuting; reassignment to a vacant position; acquisition or modifications 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.
- H. “Service animal” means a dog that performs tasks for a person with a disability, including a mental disability.<sup>1</sup>
- I. “Substantially limiting” or “substantially limits” means that the determination of whether an impairment “substantially limits” a “major life activity” requires an individualized assessment. An impairment that is episodic or in remission is a disability if it would substantially limit a “major life activity” when active. In making the individualized assessment, the term ‘substantially limiting’ or “substantially limits” shall be interpreted and applied to require a degree of functional limitation that is lower than the standard for “substantially limits” applied prior to the ADAAA. This term is not meant to be a demanding standard. Examples of “substantially limiting” impairments may include, but are not limited to, epilepsy, hypertension, asthma, diabetes, major depressive disorder, bipolar disorder, schizophrenia, and cancer that is in remission but that may possibly return in a “substantially limiting” form.
- J. “Undue hardship” means, with respect to the provision of an accommodation, significant difficulty or expense incurred by the County, when considered in light of the following factors:

---

<sup>1</sup> See Policy No. PR-33 Service Animals.

1. The nature and net cost of the accommodation, taking into consideration the availability of tax credits and deductions, and/or outside funding; and
2. The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at such facility, and the effect on expenses and resources; and
3. The overall financial resources of the County, the overall size of the operation of the County with respect to the number of its employees, and the number, type, and location of the County's facilities; and
4. The type of operation or operations of the County, including the composition, structure, and functions of its workforce, and the geographic separateness and administrative or fiscal relationship of the facility or facilities in question to the County; and
5. The impact of the accommodation upon the operation of the facility, including the impact on the ability of other employees to perform their duties and the impact on the facility's ability to conduct operations and on public safety.

