



Administrative Regulations Office of the Mayor

Title: AMERICANS WITH DISABILITIES ACT (ADA)

A.R. Number: 4.1 **Effective Date:** 2/1/2007 **Page:** 1 of 5

Supersedes: Americans with Disabilities Act (ADA) **A.R.:** 4.1 **DATED:** 9/1/2000

I. PURPOSE

The City of Richmond as an employer has a responsibility to ensure that all applicants and employees are treated fairly in all aspects of employment. It is the policy of the City of Richmond to provide a workplace free from unlawful discrimination in which all applicants and employees have equal opportunity in all areas of employment. To this end, it is the policy of the City to fully comply with the Americans with Disabilities Act (ADA). The sole purpose of this regulation is to conform to the ADA requirements and nothing herein should be construed as establishing any rights that are greater than those established by the Act. If this policy or portion thereof is at variance with the Federal Regulations, Federal Regulations shall prevail.

II. POLICY

The Americans with Disabilities Act (ADA) is a comprehensive law enacted by Congress in 1990 to create broad based protection for a person with a disability with respect to employment, access to public services/programs and places of public accommodation. The ADA is composed of the following sections:

Title I - Employment	(effective 7-26-92)
Title II - Public Services	(effective 1-26-92)
Title III - Public Accommodations	(effective 1-26-93)
Title IV - Telecommunications	(effective 1-26-92)
Title V - Miscellaneous	(effective 1-26-92)

This Administrative Policy is intended to outline rights and responsibilities for all City employees and management officials with respect to Title I.

Title I prohibits discrimination against qualified individuals with disabilities in all aspects of employment including but not limited to:

- a. Recruitment, interviewing, and job applications;
- b. Hiring, upgrading, promotion, demotion, transfer, layoff, termination, right of return from layoff and re-hiring;
- c. Rates of pay and any form of compensation or change in compensation;
- d. Job assignment and job classifications;
- e. Organizational structure, position descriptions and lines of progression;
- f. Any type of leave;
- g. Benefits;
- h. Selection and financial support for training, including: apprenticeships, professional meetings, conferences and other related activities, and selection for leaves of absence to pursue training;
- i. Activities sponsored by a covered entity, including social and recreational programs;
- j. Medical examinations; and
- k. Any other terms, condition or privilege of employment.

III. PROCEDURES

A. Reasonable Accommodation

Whenever an applicant expresses the need for reasonable accommodation as part of the recruitment/hiring process, it is the responsibility of the agency that is hiring for the position to identify and make a reasonable accommodation for the applicant, if possible. An accommodation is not considered reasonable if it interferes with effective performance of the essential job functions. Requests for accommodation, if reasonable, should in



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not jeopardize an applicant's consideration for a position. If an applicant feels the hiring agency did not make reasonable accommodation he should notify the Department of Human Resources in writing so that the situation can be investigated. The applicant may be asked whether he or she can perform particular job functions but the hiring agency may not make a pre-employment inquiry on an application form or in an interview as to whether, or to what extent, an individual is disabled. If the applicant has a disability known to the hiring agency, the applicant may be asked how he or she can perform because of the disability, and whether an accommodation would be needed.

Whenever an employee cannot perform the essential job functions for his/her position due to physical or mental impairment, the agency shall notify the Department of Human Resources immediately. The situation will be reviewed by the Supervisor, Agency Human Resources (HR) Liaison and Agency Director to determine whether accommodations can be made.

The agency may consider employee preference in making an accommodation unless such accommodation is determined to be unreasonable, interferes with performance of essential job functions or imposes undue hardship. The employee will be expected to provide medical documentation for the disability at his/her own expense and shall be required to undergo a fitness for duty exam through the City's Medical Services Provider.

Steps in Evaluating an Accommodation Request

1. The City's Medical Services Provider is given information on the job duties (in the form of the classification specification for the job, list of essential job functions, performance standards and other pertinent information). A medical evaluation is conducted by the City's Medical Services Provider.
2. The Agency HR Liaison, the Human Resources Representative and the supervisor meet with the employee to discuss the request. If necessary, representatives from appropriate resource groups for the disabled will be brought in to provide assistance.
3. The Agency HR Liaison will prepare a written recommendation to the Department of Human Resources.

If the determination is made that the employee has a disability as defined by the ADA, cannot perform the essential job functions for his position and cannot be reasonably accommodated in his/her position, the Department of Human Resources will conduct a search for another position in accordance with the City's disability placement process. If no suitable position is available, the Appointing Authority is responsible for initiating disability placement/separation procedures (Personnel Rules 5.10, Section C).

B. Medical Examination

A job offer may be conditioned on the results of a medical examination, provided that the examination is required for all entering employees in the same job category regardless of disability, and that information obtained is handled according to confidentiality requirements specified in the ADA. All medical examinations and inquiries must be job related and necessary for the conduct of the City's business. A test for illegal drugs is not considered a medical examination under the ADA.

C. Complaint Process

Applicant/Employee

If an employee or an applicant feels they have been discriminated against under the provisions of ADA, he/she should contact the Department of Human Resources so that the complaint can be investigated. Written documentation may be required. The Department of Human Resources, the agency, and the Office of the City Attorney will review the alleged violation to determine if the alleged violation was a violation and what action can be taken to resolve the situation. A tenured classified City employee may also file a complaint using the



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City's Grievance and Appeal Procedure. All employees may file a complaint with the Personnel Board pursuant to the Board's Investigative Procedures.

Citizen

If a citizen feels that he or she has been denied equal access to City services or programs, under the provisions of the ADA he or she may submit a complaint to the Citizen's Assistance Office.

IV. RESPONSIBILITY

A. Department/Agency Director

All Department/Agency Directors are responsible for providing a work environment where disabled employees and applicants are treated fairly and consistently in accordance with applicable rules and regulations. Each Department/Agency Director will be responsible for appointing an HR Liaison who will assure that ADA compliance is monitored within their respective agency.

B. Supervisors/Managers

Supervisors and Managers have the following responsibilities:

1. To identify essential functions for each position under his/her supervision.
2. To evaluate and respond to requests for reasonable accommodation from employees and/or applicants.
3. To monitor the work environment in their organization for compliance with the ADA and to keep the Agency HR Liaison and the Department of Human Resources advised of issues that arise.

C. Employees

Each employee of the City of Richmond is responsible for providing quality service to all citizens and being sensitive to the needs of disabled members of the public and co-workers. If an employee becomes disabled and needs reasonable accommodation to perform the essential job functions of his position, he must notify his supervisor of such disability, the accommodation that is needed and provide supporting medical documentation.

D. Department of Human Resources

The Department of Human Resources (HR) has overall responsibility for assuring that the City of Richmond is in compliance with Title I of the ADA. Human Resources is also responsible for providing information on the ADA to the work force, monitoring reasonable accommodation efforts and investigating complaints concerning the employment provisions of the ADA.

E. Agency HR Liaisons

Each department/agency director will appoint an HR Liaison who will act as a coordinator to monitor ADA compliance and to be the main contact/liaison with the Department of Human Resources on ADA matters. These coordinators will be responsible for:

1. Enforcing agency policies and initiatives related to ADA on behalf of the director/agency director.
2. Communicating information on ADA.
3. Preparing a self-evaluation plan of the services, activities and practices of their agency.
4. Preparing a transition plan for the agency (including responses to facilities review).
5. Incorporating ADA needs into the agency budget.
6. Assisting the Department of HR in monitoring ADA compliance.



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These duties will be incorporated into the coordinator's performance plan.

V. DEFINITIONS

Direct Threat - a significant risk to the health or safety of the individual or others, which cannot be eliminated by reasonable accommodation.

Essential Job Functions: The fundamental duties of a position held or desired. A job function is essential if:

1. The employer actually requires employees in the position to perform it, and
2. Removing the function would fundamentally alter the position, which generally depends upon:
 - a. Whether the position exists to perform the function,
 - b. The number of employees available to perform the function, and
 - c. The degree of expertise or skill required.

Person with Disability: Any person who has or who acquired a physical or mental impairment, or who has a record of such an impairment or who is regarded as having an impairment which limits one or more major life activities, such as self care, performing manual tasks, seeing, hearing, speaking, breathing and working.

Physical Impairment: Any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin and endocrine.

Mental Impairment: Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Qualified Individuals: A person who possesses the required experience, education and/or training for the position and who with or without reasonable accommodation can perform the essential job functions.

Reasonable Accommodation: Adjustments made for the known disability of an employee or applicant by structuring the job or the work environment in a manner that will enable the person with a disability to perform the essential functions of a job. Reasonable accommodation includes, but is not limited to, modifying written or oral examinations; making facilities accessible; adjusting work schedules; restructuring jobs; providing assistive devices; and providing interpreters to the deaf or readers for the blind or learning disabled.

Self-Evaluation: A process of reviewing all areas of employment and services to determine what modifications are needed to ensure ADA compliance.

Transition Plan: The plan for achieving ADA compliance in program areas.

Undue Hardship: An accommodation would be unduly costly, extensive, substantial, disruptive, or would fundamentally alter the nature or operation of the business.



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VI. REGULATION UPDATE

The Department of Human Resources shall be responsible for modifications to this Policy.

APPROVED:

A handwritten signature in cursive script that reads "L. Douglas White".

MAYOR