

Category: 300

Number: 381

Policy: Americans with Disabilities Act (A.D.A.)

Purpose: The purpose of this policy is to define and serve as primary document for the Americans with Disabilities Act (A.D.A.).

Authority: St. Clair County Board of Commissioners. Administrative policies shall be subject to revision or termination by the Board of Commissioners at its discretion. This policy replaces and supersedes any prior policy on this subject matter.

Application: This policy applies to County Officials, Appointed, Elected and Confidential and all County employees.

Responsibility: The Human Resources Director or designee shall be responsible for the administration and enforcement of this policy.

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

It is the policy of the County of St. Clair to comply with all federal and state laws concerning the employment of persons with disabilities. Furthermore, it is County policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions or privileges of employment.

PROCEDURE:

When a qualified applicant with a disability requests accommodation and can be reasonably accommodated without creating an undue hardship or causing a direct threat to workplace safety, he or she will be given the same consideration for employment as any other applicant. Applicants who pose direct threat to the health, safety and well-being of themselves or others in the workplace when the threat cannot be eliminated by reasonable accommodations will not be hired.

The County will undertake an interactive process with an employee to determine the need for, and extent of, a reasonable accommodation. The County may require the employee to provide information from the employee's doctor, appropriate releases, and possible meetings. Failure or refusal of an employee to timely provide such information may result in the denial of a request. The County will provide a reasonable accommodation, an adjustment or modification that allows the employee to do the job, to a qualified employee with a disability. The County is not required to anticipate whether a reasonable accommodation is needed. Also, the County is not required to provide the particular accommodation an employee requests if another accommodation will suffice. However, the County must engage in the "interactive process", a dialogue with the employee about accommodations that will meet that person's needs. Contact Human Resources with any questions or requests for accommodations.

TERMINOLOGY:

- Disability: A physical or mental impairment that substantially limits one or more major life activity of the individual.
- Major life activities: Term includes caring for one's self, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.
- Major bodily functions: Term includes physical or mental impairment such as any physiological disorder or condition and any mental or psychological disorders.
- Direct threat: A significant risk to the health, safety or well-being of individuals with disabilities or others when the risk cannot be eliminated by reasonable accommodation.
- Reasonable accommodation: Includes any changes to the work environment and may include making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, modified work schedules, telecommuting, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of exams, training materials, provision of interpreters or readers and other similar accommodations for individuals with disabilities.
- Undue hardship: An action requiring significant difficulty or expense by the employer. Factors to be considered: nature and cost of accommodation; financial resources; effect on resources, including staffing; or the impact on the operation of the facility.
- Essential functions of the job: Those job activities that are determined by the employer to be essential or core to performing the job and cannot be modified.

The examples above are not to be all-inclusive.

For further information, an employee may contact the Human Resources Department by telephone at (810) 989-6910 or by email at humanresources@stclaircounty.org.

Review: The Administrator/Controller has reviewed and approved this policy as to substance and Corporation Counsel has reviewed and approved as to legal content. The Human Resources Director shall periodically review this policy and make recommendations for changes as needed.

Adopted: February 18, 2021