



Weber County Human Resources Policy 3-200

Reasonable Accommodation

I. Purpose

This policy provides a procedure for determining when reasonable accommodations are required for qualified individuals with a disability as defined by the Americans with Disabilities Act as Amended (ADA) and Section 504 of the Rehabilitation Act and allows pregnant workers a reasonable accommodation for a worker's known limitations related to pregnancy, childbirth, or related medical conditions under the Pregnant Workers Fairness Act (PWFA).

II. Policy

It is the policy of Weber County to comply with the provisions of the Americans with Disabilities Act as Amended (ADA), Section 504 of the Rehabilitation Act and Pregnant Workers Fairness Act (PWFA) when providing reasonable accommodations.

III. Procedures

A. Reasonable Accommodation Procedure

1. An employee who requests a change in job duties and/or work schedule based on a medical condition, pregnancy, childbirth, or related medical condition or if a supervisor has reason to believe that an accommodation is needed because of a known impairment should be referred to Human Resources (HR).
2. The employee making the request must return the following completed forms to HR:
 - a. Reasonable Accommodation Intake Form
 - b. Reasonable Accommodation Medical Questionnaire
3. An employee making the request due to pregnancy, childbirth, or related medical conditions under the PWFA only needs to return the Reasonable Accommodation Intake Form. After reviewing the Reasonable Accommodation Intake Form, HR will determine whether or not the employee will be required to provide documentation from a health care provider, when allowed by the PWFA. If so, HR will notify the employee of what documentation is required.
4. HR will review the request with the employee and if HR determines that an employee requires an accommodation under ADA or PWFA, the relevant supervisor will be notified of the employee's need for an accommodation. The department will have fourteen calendar days from receipt of the intake form and, if required, the medical questionnaire to hold a meeting with the employee and HR to discuss accommodations.
5. At the meeting the supervisor and employee will discuss whether accommodations may be made to allow the employee to perform the essential job functions or

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whether, under the PWFA, other reasonable accommodations may be made. Accommodations may include but are not limited to the following:

- a. Modifying work schedules
- b. Removing physical barriers
- c. Acquiring or modifying equipment or devices
- d. Providing readers or interpreters
- e. Reassigning or transferring an employee to a vacant position
- f. Adjusting or modifying examinations, training materials or policies
- g. Additional suggested accommodations as needed/suggested
- h. Under the PWFA, temporary suspension of one or more essential functions may be required if there is no reasonable accommodation that allows the employee to perform all of the essential functions of the job. This must be considered if the following are all true:
 - i. The inability to perform the essential functions is temporary;
 - ii. The employee will be able to perform the essential functions "in the near future," typically meaning within 40 weeks or less; and
 - iii. the inability to perform the essential functions can be reasonably accommodated, such as by temporarily suspending or replacing some of the essential functions, by reassigning them to someone else, or by making some other arrangement that does not present undue hardship.

6. After the meeting with the supervisor and the employee, HR will document in writing the employee's requests and the reasonable accommodations that were agreed upon. The written notice will be provided to the employee and supervisor.
7. The accommodation process is intended to be an ongoing interaction between management and the employee.
 - a. The department should document all conversations with the employee requesting an accommodation and the process.
 - b. When multiple reasonable accommodations exist, the department may choose from among them and decide which accommodation(s) will be offered. However, under the PWFA, the department may not require the employee to take leave if another effective reasonable accommodation exists, absent undue hardship.
 - c. Before denying accommodation to an employee on the basis that any or all requested accommodations would pose undue hardship or would not be reasonable accommodations, the department must consult with HR. Before HR approves the denial, the following procedures shall be followed:
 - i. The department must document its inability to provide accommodation.
 1. Documentation must include assessment of the reasonableness of the denial and identify which accommodations have been explored.
 - ii. HR will send a letter or memorandum to the supervisor outlining the denial of the accommodation. The supervisor should inform the employee within seven calendar days of the denial. A signed copy of

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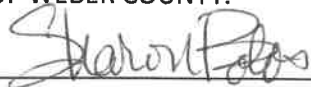
- the notice should be returned to the HR department for recordkeeping.
- iii. The employee may appeal denial of the requested accommodation by sending a written request to HR within five calendar days after receiving notification of the denial.
 - d. A supervisor is not required to lower performance standards to make an accommodation, although in some cases, the PWFA may require temporary suspension of one or more essential functions of the job.
 - e. An employee who is provided an accommodation is required to follow the same rules, policies, procedures and standards that other employees are required to adhere to in the work environment.
 - f. If the accommodation needs change the employee and supervisor should contact HR to begin the interactive process.
 - g. Examples of accommodations that are not considered reasonable include, but are not limited to, the following:
 - i. An accommodation that would pose a significant health or safety risk to an employee or others in the workplace.
 - ii. An accommodation that does not enable an employee to perform his or her essential functions, unless such an accommodation is required under the PWFA.
8. The cost of an accommodation will be borne by the department.
- a. A department that is financially incapable of providing reasonable accommodation may solicit assistance from the County Commission by submitting a letter to the County Commissioners identifying the accommodation, the cost, and documenting the department's inability to bear the expense. A copy of this letter must also be sent to HR.
 - b. An employee who voluntarily offers to contribute toward the expense of an accommodation may be allowed to do so.
 - c. A qualified employee who wishes to bring medically necessary equipment or devices to work may be allowed to do so with supervisory approval.
9. Transfers/Reassignments guidelines for an employee who can no longer perform the essential functions of the position, or who otherwise does not qualify to remain in the position with reasonable accommodations.
- a. If an employee is unable to continue in the position with or without accommodation due to a qualifying disability, pregnancy, childbirth, or related medical conditions, HR will have 30 calendar days to evaluate the vacancies available throughout the county in an effort to identify a position for which the employee may qualify and where the disability, pregnancy, childbirth, or related medical conditions can be reasonably accommodated.
 - b. During this time the employee is expected to continue performing the essential functions of their position to the extent possible. When this is not possible, the employee must use accrued leave. If the employee does not have, or runs out of, accrued leave, the employee may use leave without pay.
 - c. If a position is available for which the employee qualifies, HR, in consultation with the department head where the vacancy exists, will effectuate a transfer.

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- d. If a transfer is made pay shall be commensurate with the grade of the new position.
 - e. If an employee disagrees with a transfer or reassignment, the employee may file a written appeal directly to HR within five calendar days after the transfer or reassignment.
 - f. If a position is not found within the County, the employee's employment will be terminated.
 - g. If the employee disagrees with the decision to terminate, the employee may follow the complaint and appeal process outlined in Policy 3-100.
10. Job Applicant/Interview Reasonable Accommodation Policy and Procedure
- a. HR must provide reasonable accommodation to qualified applicants during the application and interview process. These accommodations may include providing assistance in filling out the employment application, rescheduling an interview, moving the interview to an alternative location, reading the application to the applicant, providing interpreters, visual aids, enlarged print, extending time limits, etc.
 - i. Requests for reasonable accommodations must be submitted to the HR Office.
 - ii. All requests will be reviewed on a case-by-case basis and decisions will be based on the type of request and the nature of the application and interview process.
 - iii. Information concerning an applicant who needs reasonable accommodation in the interview process will be conveyed to the department by HR.
 - iv. Reasonable accommodation costs will be paid by the department.
 - v. The hiring manager is not required to lower performance expectations or standards for an applicant needing an accommodation, except as may be required temporarily by the PWFA.

DATED this 14th day of May, 2024.

BOARD OF COUNTY COMMISSIONERS
OF WEBER COUNTY:


James "Jim" H. Harvey, Chair

ATTEST:


Ricky Hatch, CPA
Weber County Clerk/Auditor

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Emily Wilde

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Human Resources

Approved as to form and legality:

Courtlan P. Erickson

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