

**COUNTY BOARD OF HEALTH
POLICY # HR- 03704
AMERICANS WITH DISABILITIES ACT POLICY**

Approval:		<i>4/20/2020</i>
	Pamela Logan, District Health Director	Date



Public Health
Prevent. Promote. Protect.

1.0 PURPOSE

This policy contains guidelines for implementation of the Americans with Disabilities Act (ADA) prohibiting unlawful discrimination against qualified individuals with disabilities.

2.0 AUTHORITY – The Georgia Department of Public Health (DPH) Americans with Disability Act Policy is published under the authority of DPH and in compliance with the following:

- 2.1** The Americans With Disabilities Act of 1990, Title I (Pub. L. 101-336), as amended
- 2.2** Civil Rights Act of 1964, Title VII (Pub. L. 88-352), as amended
- 2.3** Vocational Rehabilitation Act of 1973, Section 504 (29 U.S.C. Chapter 16)
- 2.4** Official Code of Georgia Annotated, Fair Employment Practices Act, O.C.G.A § 45-19-20 et. seq.

3.0 SCOPE

This policy applies to all CBOH employees.

4.0 POLICY

It is the policy of the CBOH to administer its human resources and personnel management program in compliance with the provision of Title I of the ADA.

5.0 DEFINITIONS

- 5.1 CBOH** – County Board of Health
- 5.2 HR** – Human Resources
- 5.3 ADA** – Americans with Disabilities Act
- 5.4 DHD** – District Health Director

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6.0 RESPONSIBILITIES

HR is responsible for overall direction, coordination, and technical assistance regarding matters relating to ADA Title I compliance.

HR is responsible for issuing and updating procedures to implement this policy.

7.0 PROCEDURES

7.1 Reasonable Accommodation

7.1.1 Otherwise qualified individual may request reasonable accommodation from the CBOH due to their disabilities. In accordance with the ADA, all request will be thoroughly reviewed to determine if they can be approved or if they represent an undue hardship on the CBOH.

7.1.2 HR has processes established for approving or denying reasonable accommodation request.

7.2 Accommodation Request

7.2.1 Employees are to submit request for reasonable accommodation in writing to their immediate supervisors specifying the accommodation requested and its estimated duration.

7.2.2 Requests for reasonable accommodation must include documentation from the attending health care provider which identifies the current disability being treated, any work-related limitation or restrictions, and their estimated or actual duration.

7.2.3 Employees may grant permission for HR staff to communicate directly with the attending health care provider concerning the requested accommodation. Permission is granted when an employee voluntarily signs the *Authorization for Release of Information Form*.

7.2.4 Supervisors and HR staff are to meet with employees as soon as possible to initially discuss reasonable accommodation requests.

7.2.4.1 Any written materials resulting from discussions that identify employees' disabilities or medical conditions must be kept confidential. The employee's request for a reasonable accommodation must also be kept confidential.

7.2.4.2 During initial discussions, supervisors or HR staff will not commit to approving reasonable accommodation requests.

7.3 Review

7.3.1 Requests for reasonable accommodation will be reviewed based on a careful assessment of the following:

7.3.1.1 Organizational needs

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7.3.1.2 Available resources

7.3.1.3 The impact of disabilities on essential functions of employees' positions.

7.3.1.4 Relevant medical information concerning disabilities to be accommodated.

7.3.2 In order to accommodate a disability, employees may be temporarily placed in modified work environments, given modified duties, or reassigned during the review period, if such accommodations are possible without undue hardship.

7.3.3 Authorized officials should make determinations as soon as practicable after receiving requests for reasonable accommodation.

7.3.4 Reasonable accommodation requests that are denied on the basis of undue hardship must include detailed documentation of accommodations considered and reasons for denial.

7.3.5 Written approval from the DHD must be received prior to implementing reasonable accommodations resulting in a change in employment status, a change in the terms and conditions of employment or a change in the essential functions of a position. Examples include, but are not limited to:

7.3.5.1 Temporary or permanent reassignments

7.3.5.2 Significant modification of work schedules or environments

7.3.5.3 Changes in work duties and responsibilities

7.4 Temporary and Modified Duty Assignments

7.4.1 Temporary and modified duty assignment may be determined appropriate to reasonably accommodate disabilities.

7.4.1.1 Temporary and modified duty assignments can be made for up to sixty (60) calendar days. Management has the option of extending assignments for up to ten (10) calendar days beyond the 60-calendar day limit if the additional time is needed to make work-related arrangements for employees.

7.4.1.2 Prior to returning to regular duty, the employee must provide a medical statement from the attending health care provider releasing the employee to perform the essential functions of the position, with or without reasonable accommodation.

7.4.2 If an employee is unable to return to work and perform the essential functions of the position, with or without reasonable accommodation, at the end of a temporary and modified duty assignment, family and medical leave or other leave with or without pay may be requested and considered.

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7.5 Permanent Reassignments

If it is not possible to make accommodations which would enable the disabled employee to perform the essential functions of the position without undue hardship, then the employee shall be offered reassignment to a vacant or soon to be vacant position for which the employee is otherwise qualified. Best efforts shall be made to identify a position that is in the same pay grade as the employee's current position. If the new position has already been posted, the employee may be given preference in the hiring decision.

7.6 Separation from Employment

7.6.1 Employees may be separated from employment based on inability to perform assigned duties when:

7.6.1.1 There is no reasonable accommodation that can be made in the current position without incurring an undue hardship on the organization;

7.6.1.2 There is no other vacant or soon to be vacant position for which the employee qualifies, and into which the employee can be reassigned or is willing to accept reassignment; and

7.6.1.3 Additional leave options have been considered and are either determined not to be available, or cannot be approved without undue hardship.

7.6.2 Classified employees who are absent from work as indicated below can be separated from employment in accordance with the Rules of the State Personnel Board. Separations for these reasons are considered voluntary separations.

7.6.2.1 Absent from work for five (5) consecutive work days or equivalent without proper authorization.

7.6.2.2 Failure to return to work at the expiration of an approved leave of absence.

7.6.2.3 Absent from work for five (5) consecutive work days of equivalent after all sick and annual leave is used.

7.6.3 This policy does not restrict the authority of management to discipline or separate employees based on failure to meet standards of performance or conduct, or failure to follow procedures for reporting and approval of absences.

7.6.4 HR should be contacted for assistance prior to separating employees as indicated in this policy.

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8.0 REVISION HISTORY

REVISION #	REVISION DATE	REVISION COMMENTS
0	April 14, 2020	Initial Issue

9.0 RELATED FORMS

None