



Policy 1737

Subject	
ACCOMMODATION PROCEDURE	
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By Order of the Police Commissioner

POLICY

1. **Equal Opportunity.** The Baltimore Police Department (BPD) is committed to equal opportunity in all aspects of employment.
2. **Reasonable Accommodations.** In accordance with federal, state and local laws, the BPD shall provide employees or applicants who have a disability or religious belief that affects their ability to perform one or more job functions with reasonable accommodations, unless doing so interferes with a business necessity, would pose an undue hardship or a direct threat to safety (see Policy 1701, *Equal Employment Opportunity and Diversity*).
3. **Confidentiality.** All medical information and documentation collected or received in accordance with this policy shall be kept confidential and medical records shall be maintained in separate medical files by the Human Resources Section (HRS). Such information shall only be shared with those having an official need to know.
4. **No Retaliation.** Retaliation against an individual for requesting an accommodation for a disability or religious belief under this policy is strictly prohibited. Concerns about retaliation should be promptly reported to the Equal Opportunity and Diversity Section (EODS).

DEFINITION

Reasonable Accommodation — Any change in the work environment or in the way things are customarily done that enables an individual with a disability or religious belief to enjoy equal employment opportunities.

Requesting an Accommodation

Employees and Applicants

1. An employee or applicant who has a disabling condition or religious belief that affects his or her ability to perform one or more job functions may request a reasonable accommodation.
2. A request may be made verbally or in writing and should be directed to the employee's supervisor or the Director, HRS via email at HumanResourcesSection@BaltimorePolice.org or by phone at 410-396-2258/2259.
3. The employee or applicant requesting accommodation is expected to work cooperatively with HRS to obtain any necessary medical documentation requested in a timely manner and must authorize his/her health care provider to communicate this information to the BPD.

NOTE: Failure to provide necessary medical documentation and information, or the refusal to undergo a medical examination when requested, may result in the denial of the employee's or applicant's accommodation request.

4. The employee or applicant is responsible for contacting HRS if a reasonable accommodation is not implemented in a timely and/or effective manner or when the employee's accommodation needs have changed. In such cases, the HRS representative will work with the employee and other parties as needed to resolve any problems or concerns related to the accommodation.

Supervisor

1. Promptly notify HRS when in receipt of an employee request for accommodation.
2. Responsibility for initiating a request for accommodation generally rests with the employee, however, a supervisor who discovers or is made aware that a disability may be impacting an employee's job performance should immediately notify HRS.
3. Disability accommodations may not be approved or denied at the supervisory level. In all cases, supervisors must promptly notify HRS of the possible need for accommodation and work collaboratively with HRS to determine on a case-by-case basis whether an accommodation is feasible and/or appropriate.

Human Resources Section

1. Once the need for accommodation has been communicated, an HRS representative will engage in an interactive process to determine whether the applicant or employee is eligible for an accommodation and to evaluate whether workplace accommodations are feasible and/or appropriate. This process may involve discussions with the applicant, employee, employee's supervisor, as well as with the employee's or applicant's health care provider(s).
2. The BPD expects all personnel involved in the accommodation process, including the requesting applicant, employee, and the employee's direct supervisor, will make the process a high priority and promptly respond to HRS's requests for information and/or assistance.
3. The requesting employee or applicant will be expected to cooperate with HRS during the process and should be prepared to discuss his/her specific functional limitations, as they relate to the position. The applicant, employee, and the employee's supervisor shall work collaboratively with HRS to explore and evaluate possible workplace accommodations.
4. While the applicant or employee provides input during the accommodation process, the BPD shall in its sole discretion decide whether and to what extent an accommodation will be offered. The BPD may:
 - 4.1. Approve the requested accommodation as presented by the employee/applicant, or
 - 4.2. Suggest one or more effective alternative accommodations, or
 - 4.3. Deny the request if no reasonable accommodation can be identified.

5. Accommodations that pose an undue hardship or a direct threat to safety, or interfere with a business necessity, will not be offered or permitted.
6. Although the employee or applicant is not obligated to accept the accommodation offered, a decision to decline an accommodation may render the employee or applicant unqualified to remain in the position or receive an employment offer.
7. Once a workplace accommodation is accepted, the employee's supervisor and HRS will work with the employee to ensure the accommodation enables the employee to safely perform the job and meet performance expectations.
8. Workplace accommodations are meant to enable employees to successfully perform their essential job functions. Accordingly, workplace accommodations will be designed to help an employee meet performance goals and expectations – not eliminate or lower them.
9. When evaluating accommodation options, HRS and the member's supervisory team will consider whether the member can perform all essential functions of his or her full-duty position using reasonable accommodation strategies that do not pose an undue hardship to the BPD or a direct threat to the health or safety of the employee or others.
10. The BPD maintains a small number of limited/light duty positions, which may be used to accommodate on a temporary basis sworn members whose employment status is reduced from unrestricted full-duty to temporary limited/light duty status due to medical circumstances. See Policy 1723, *Maintenance Program for Limited/Light-Duty Personnel*.

NOTE: These positions are strictly temporary in nature and no accommodation will be authorized that permanently relieves a sworn member from having to perform the full range of duties and responsibilities of a law enforcement officer, including but not limited to, the ability to make forceful arrests, to drive vehicles under emergency conditions, and to qualify with a weapon.

11. HRS is encouraged to seek guidance from Legal Affairs early in the process of evaluating and deciding requests for workplace accommodations.
12. Once fully evaluated, the accommodation request shall be forwarded with a written summary, including its recommendation regarding the accommodation, to the Police Commissioner or his designee for approval.
13. The Police Commissioner or his designee should confer with Legal Affairs before denying an accommodation request and before offering transfer or demotion as an accommodation solution.

Requests for Leave as an Accommodation

1. In all cases where an employee is requesting time-off from work, or a reduced work schedule, as a workplace accommodation, HRS should first determine whether the employee may be eligible to take Family and Medical Leave pursuant to Policy 1726, *Family and Medical Leave Act*.

- 1.1. If the employee is eligible, coordinate with HRS to promptly process the request as an FMLA leave of absence.
- 1.2. If, after exhausting FMLA leave entitlement, the employee requests additional leave as a disability accommodation, evaluate the request for additional leave in accordance with this policy. Determinations shall be made on a case-by-case basis after consultation with Legal Affairs.

Medical Documentation and Examination

1. When a requesting applicant or employee's disability and/or accommodation needs are not obvious, entities shall ask the applicant or employee to provide reasonable documentation from an appropriate health care provider that explains the disability and any functional limitations, as well as the type of accommodation(s) that may be required.
2. Such information must be provided by the health care provider in writing. The request for documentation shall be narrow in scope and focus on the existence and nature of the disability that prompted the accommodation request and the applicant or employee's need for accommodation.
3. The request for medical documentation shall be made by an HRS representative with the employee or applicant's permission. Supervisors shall not contact the employee or applicant's health care provider directly.
4. If medical documentation provided by an employee or applicant's health care provider is not sufficient to establish a qualifying disability and the functional limitations requiring accommodation, an HRS representative should request clarification or additional information from the health care provider.
 - 4.1. If the employee or applicant's health care provider fails to correct any deficiencies in the documentation, the BPD may require the applicant or employee to undergo a medical examination.
 - 4.2. Such evaluation shall be conducted at the BPD's expense and by a health care provider chosen by the BPD.

Exemption from Professional Appearance Standards

A request for a medical or religious exemption from the BPD's grooming requirements will be handled in accordance with Policy 312, *Professional Appearance Standards*.

Pregnancy and Lactation Accommodations

All pregnancy and lactation accommodation requests will be handled in accordance with Policy 1726, *Pregnancy* and Policy 1730, *Lactation Accommodations*.

Requests for Reconsideration

1. Any questions that arise during the interactive process should be directed to the HRS representative handling the accommodation request.
2. Where an applicant or employee is dissatisfied with the resolution of a request, she/he may ask the Director, HRS to reconsider the decision. In such cases, the Director, HRS shall confer with Legal Affairs before responding to the request for reconsideration.

Legal Affairs Section

1. Assist and provide legal advise when HRS when seeks guidance in evaluating and deciding requests for workplace accommodations.
2. Assist and provide legal advise to the Police Commissioner or his or her designee when he or she seeks guidance before denying an accommodation request and/or before he or she offers a transfer or demotion as an accommodation solution

APPENDIX

- A. Accommodation Form 130

ASSOCIATED POLICIES

Policy 302, *Rules and Regulations*
Policy 312, *Professional Appearance Standards*
Policy 1701, *Equal Employment Opportunity and Diversity*
Policy 1713, *Medical Policy*
Policy 1723, *Maintenance Program for Limited/Light Duty Personnel*
Policy 1725, *Pregnancy*
Policy 1726, *Family and Medical Leave Act (FMLA)*
Policy 1730, *Lactation Accommodations*

COMMUNICATION OF POLICY

This policy is effective on the date listed herein. Each employee is responsible for complying with the contents of this policy.

APPENDIX

Accommodation Form 130



BALTIMORE POLICE DEPARTMENT REASONABLE ACCOMMODATIONS FORM

DATE

FORM 130

SECTION I: EMPLOYEE (to be completed by employee requesting accommodations)

Name:	
Address:	Contact Phone No.:
Sequence No:	Rank:
Unit Assignment:	Job Title:
Reason for Request:	

SECTION II: ACCOMMODATION REQUEST

1. What, if any job function are you having difficulties performing?
2. What limitation is interfering with your ability to perform your job?
3. Has a physician, vocational rehabilitation specialist or other health professional recommended a specific accommodation? YES NO
4. Have you had any accommodations in the past for the same limitation? If so, what were they and how effective were they?
5. Is your accommodation request time sensitive? YES NO

Signature	
Signature:	Print Name:
Please return this completed form to the Human Resources Section; HRS@BaltimorePolice.org .	